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Attorney General and
Minister Responsible for
Treaty Negotiations

2003/04
Annual Service Plan Report

BRITISH
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Accountability Statement

The 2003/04 Ministry of Attorney General and Minister Responsible for Treaty Negotiations Annual Service Plan Report was prepared under my direction and in accordance with the *Budget Transparency and Accountability Act*. This report compares the actual results to the expected results identified in the ministry's 2003/04 Service Plan. I am accountable for the ministry's results and the basis on which they have been reported.

Honourable Geoff Plant
Attorney General

Ministry of Attorney General
and Minister Responsible for Treaty Negotiations

June 15, 2004

BRITISH COLUMBIA

Ministry of Attorney General and Minister Responsible for Treaty Negotiations

I am pleased to introduce the 2003/04 Annual Service Plan Report summarizing the past year's accomplishments for both the Ministry of Attorney General and the Treaty Negotiations Office.

In the three years this government has been in office, my ministry has taken significant steps to reform and improve both the laws and the justice system processes in British Columbia. Some steps, such as the Administrative Justice Project, were bold and made us national leaders in law reform. Some, such as bylaw adjudication reform and traffic ticket process reform, were important, but more modest, milestones that moved us closer to our long-term goals.

Other steps, such as those taken by the Treaty Negotiations Office, have steadily prepared the way for the outstanding success achieved by that Office in 2003/04. As part of the government's commitment to revitalize the treaty negotiations process, Agreements-in-Principle were negotiated and signed last year at four different treaty tables from different regions of the province. This accomplishment means that treaty negotiations with four separate First Nations will advance to a final agreement stage, with the prospect of reaching full modern treaties in the near future.

During the past year, the ministry also set a course for upcoming reforms. The Justice Review Task Force had been created in 2002 as a cooperative process of law reform involving the ministry, the judiciary and the bar. In 2003/04, this body established important working groups to recommend future reforms that would address family law issues and street crime issues of concern to those of us living in urban environments.

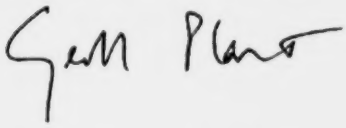
The necessity of prosecuting the Air India trial over the past year made us an acknowledged leader in the logistical management and prosecution of mega cases. We pioneered innovative courtroom technologies and integrated trial planning, formulated new standards for disclosure, and adapted case management principles to the justice process. These lessons will stand us in good stead in other major trials that are now imminent.

We will continue trying to shape a better justice system for the future. I believe that, by questioning the world as it is, we can find better ways to provide for a just province. We need to ask whether ideas and concepts that were appropriate to another era should be revisited.

The law and its administration are constantly evolving. As legislators, members of the judiciary and bar, and as ordinary citizens, we can shape the direction of this evolution.

To do this, we need participatory reform so that the justice system in British Columbia meets the challenges of the future. Indeed, the Citizens' Assembly, though not strictly part of justice reform, may serve as a powerful example of how we can all work together to improve our society.

In the end, we want the justice system to be in harmony with the aspirations of the people it is designed to serve. In the civil justice system, we want to empower people to be able to resolve their disputes. In the criminal justice system, we want to achieve a balance between the interests and rights of victims and the legitimate interests of defendants. With continued collaboration and shared commitment from all parts of the justice system and with citizen support and involvement, I am confident we can turn our vision into reality.



Honourable Geoff Plant
Attorney General

Ministry of Attorney General
and Minister Responsible for Treaty Negotiations

June 15, 2004

Message from the Deputy Attorney General

When we set our direction in the Service Plan for 2003/04, we continued to face many of the same challenges we had faced in the previous year. Resources were still limited. Cases were becoming even more complex and costly to process. Program changes were adding new service demands to existing ones. Clearly we had to find additional ways to modify and improve some aspects of the provincial justice system in order to meet the continuing challenges.

Throughout 2003/04, the ministry focused on its strengths, built on the successes achieved in the previous year and sought opportunities to effect enduring change through reform. As this report describes elsewhere in greater detail, we embarked on a series of substantial reforms, streamlined processes, expanded access to justice services, introduced new services to meet new needs and developed simpler and more efficient legislation.

Since last year, we have also been in the process of rethinking our own future within the ministry to ensure our capacity to meet future challenges. We have been redefining our vision, rekindling our mission and restating our goals. In doing so, we have reassigned resources and redeployed staff, and we will strengthen our commitment to our employees. These efforts should be particularly visible in our next Service Plan.

We also cannot lose sight of our important role in government, as the Ministry of Attorney General is charged with the responsibility of seeing that the administration of public affairs is in accordance with the law. This is a function we discharge diligently and in a cost-effective manner for the province.

This Annual Service Plan Report only describes part of the efforts and essential reforms that we are making and which we believe are needed in the justice system to reflect the ever-changing needs of our society. Law reform and innovation in the justice system is a key goal for us. We will pursue that goal as vigorously as we can in the coming years, working to ensure that our justice system is one that can readily respond to the evolving needs of those it serves.

Sincerely,

Allan Seckel
Deputy Attorney General

Message from the Deputy Minister Treaty Negotiations Office

This past year marks a period of significant accomplishment for the Treaty Negotiations Office and the British Columbia Treaty Commission negotiations process.

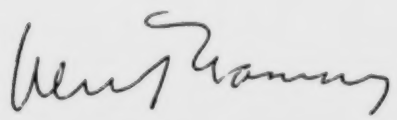
This year's report lists progress at multiple negotiating tables. Approved Agreements-in-Principle were negotiated and signed at several different tables from different regions of the province in 2003/04.

Beginning with the Lheidli T'enneh near Prince George and moving to the Maa-Nulth of the west coast of Vancouver Island, the Sliammon near Powell River and the Tsawwassen of the Lower Mainland, the Treaty Negotiations Office completed four Agreements-in-Principle with Canada and First Nations in 2003/04. These agreements have paved the way for final agreement negotiations with the prospect of modern treaties in the not-too-distant future. This is the only time the parties have had final agreement negotiations since the Sechelt Agreement-in-Principle was signed in 1999 and the B.C. Treaty Commission six-stage process had its beginning in 1993.

This success has made it possible for the Office to make timely progress in other areas. Supporting our ministry partners in both non-treaty negotiations and economic development opportunities with First Nations, the Office continues to play an important role in revitalizing the economy as we work towards accomplishments that create certainty.

In 2003/04 the Treaty Negotiations Office has moved to build a foundation of trust between First Nations and the government. Through respectful negotiations we are contributing to a stronger British Columbia.

Sincerely,



Lorne Brownsey
Deputy Minister, Treaty Negotiations Office

Year-at-a-Glance Highlights for Ministry of Attorney General

Reforms and New Initiatives

- Took a leading role among Canadian jurisdictions in the prosecution and management of mega criminal cases such as Air India[1] and *R. v. Pickton.*[2] Mega cases are highly complicated, involving large numbers of victims, victims' families, unprecedented security risks to accused and witnesses, massive amounts of evidence to be gathered and analysed, and immense legal complexities. With world attention focused on British Columbia's justice system, the ministry:
  - — pioneered new courtroom technologies;
  - — implemented integrated trial planning processes;
  - — set up special prosecutorial teams;
  - — formulated new standards for disclosure;
  - — reviewed the security infrastructure of the courts and reached a joint agreement on security with B.C. Buildings Corporation;
  - — devised new high-security strategies to ensure courtroom safety; and
  - — developed mega case management principles.
- With the Justice Review Task Force (JRTF),[3] established the Mega Trials Advisory Group[4] that is charged with making recommendations on managing large criminal cases in British Columbia such as Air India. Recommendations to the JRTF are aimed at achieving greater cost predictability in long trials and better allocation of justice system resources.

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[1] On June 23, 1985, an Air India flight carrying luggage loaded in Vancouver exploded and crashed into the Atlantic Ocean off the coast of Ireland. All 329 people on board were killed. Fifty-four minutes earlier, a suitcase loaded in Vancouver onto a Canadian Airlines flight exploded in the airport at Narita, Japan. Two baggage handlers were killed and four other persons injured. The Royal Canadian Mounted Police (RCMP) have investigated these incidents for 17 years in conjunction with various police agencies in Europe, India, North America and Asia. The trial began in Vancouver, B.C., in 2003.

[2] A lengthy joint investigation by the Vancouver Police Department and RCMP has resulted in multiple counts of murder being laid against the accused.

[3] The Justice Review Task Force was established in March of 2002 at the instigation of the Law Society of B.C. to identify a wide range of reform ideas that may make the justice system more responsive, accessible and cost-effective. The current membership includes Chief Justice of the Supreme Court of B.C., Chief Judge of the Provincial Court of B.C., Deputy Attorney General, Assistant Deputy Minister of Justice Services of the Ministry of Attorney General, the Canadian Bar Association and the Law Society of B.C.

[4] This working group was established by the Justice Review Task Force to address case management issues associated with conducting long trials involving serious offences. The working group membership represents the Supreme and Provincial Court judiciary, the defence bar, the Criminal Justice Branch and the Justice Services Branch of the Ministry of Attorney General, the federal Department of Justice and the Legal Services Society.

- With the Justice Review Task Force, established the Street Crime Working Group.[5] The Working Group mandate is to develop new criminal justice responses to street crime[6] and disorderly behaviour, particularly with regard to repeat offenders who may be suffering from addiction, mental illness or other social problems. The cross-discipline, community-based response model that is being developed could involve treatment, intervention and long-term solutions.
- With the Justice Review Task Force, established and chaired the Family Justice Reform Working Group. The group's mandate is to recommend changes to the family court system in British Columbia. It will also re-examine the concept of a unified family court and make recommendations on the delivery of family justice services outside the court system, such as non-adversarial and settlement-oriented processes.
- Reformed the spousal assault policy to allow a wider range of penalties for offenders and ultimately provide better protection for victims.
- Implemented the new federal *Youth Criminal Justice Act*, which replaced the *Young Offender Act*, on April 1, 2003. All youth justice legislation was updated, and a new stand-alone *Youth Justice Act* (British Columbia) was created that is consistent with the federal act and current practice. The new provincial act adds custody as an option for six serious provincial statute offences that previously could only attract probation as the most severe sentence available. As well, youth can now face more time in custody for other provincial statute offences.
- Introduced amendments to the *Evidence Act* to clarify and confirm authority for use of videoconferencing technology in civil court proceedings and for other purposes when approved or ordered by a judge.
- Developed legislation to strengthen appointments to administrative tribunals *(Administrative Tribunals Appointment and Administration Act)*. This was the first in a series of legislative reforms to ensure openness, accountability and affordability within the administrative justice system.
- Reformed legislation to create a simpler, more effective and efficient system for reviewing compensation and benefits for judges and judicial justices of the peace (the new *Judicial Compensation Act*).
- Developed new legislation to make it simpler and more efficient for British Columbia courts to enforce judgments and determine jurisdiction. The *Enforcement of Canadian Judgments and Decrees Act* makes it easier to enforce decisions of Canadian courts outside British Columbia by allowing those orders to be registered in the Supreme Court of British Columbia. The *Court Jurisdiction and Proceedings Transfer Act* revises and clarifies the rules judges use to decide if they have jurisdiction in matters before them. It also gives superior courts the means to transfer litigation to a more appropriate forum inside or outside Canada.

[5] This working group includes representatives from the Provincial Court of B.C., Department of Justice, Ministry of Attorney General, Ministry of Public Safety and Solicitor General, Vancouver Coastal Health, Vancouver Police Department, Vancouver Agreement, defence bar and Ministry of Children and Family Development.

[6] The term "street crime" includes drug use and dealing, auto and other theft, break and entering and public mischief. It does not include serious crimes such as murder, serious assault or commercial crime.

New and Improved Justice Services

- Launched a new website — the first of its kind in Canada — to answer questions from children and teens whose parents are undergoing separation or divorce. The website will also serve as a resource for school and family counsellors and others who provide services to families in transition.
- Supported the Legal Services Society in developing a new continuum of services that includes legal information, education, advice, advocacy and representation. The new service delivery model comprises:
  - — seven regional centres in larger cities;
  - — over 20 local agents in smaller communities;
  - — over 1,500 private bar lawyers;
  - — more than 50 government agents;
  - — a provincewide, toll-free call centre (the first such call centre in Canada) to allow people to apply for legal aid by telephone; and
  - — a provincewide, toll-free legal information line named "LawLINE." The service provides legal information and advice to the public by telephone.

Expanded Access to Justice Services

- Re-opened the Merritt and Invermere circuit courts on a permanent basis as a way to ensure local access to court services. Both locations had become temporary circuit courts in 2002, prior to being closed for several months. Circuit courts reduce the costs associated with maintaining courthouses that are not fully used. They are served by visiting judges, prosecutors and court staff, but do not have permanent staff or a registry function.
- Introduced new legislation *(Local Government Bylaw Notice Enforcement Act)* to support a more timely, fair and effective system of resolving municipal bylaw disputes. When implemented, the system will create greater access to justice by giving local governments authority to resolve such disputes.
- Expanded comprehensive child support services to two additional court registries (Surrey and Vancouver). The services help parents vary child support orders and agreements.
- Made supervised access services available at five new sites (Vancouver, Nanaimo, Abbotsford, Surrey and Port Coquitlam). Supervised access and access exchange services facilitate safe contact between children and their parents where there has been a lengthy absence of contact or where there is a concern about a parent's violence, alcohol or drug abuse, lack of mental well-being, or lack of parenting skills.
- Opened a Small Claims Mediation Registry in Victoria to help disputing parties reach out-of-court solutions.
- In collaboration with the Legal Services Society, expanded lawyer advice services to two additional sites (Surrey and Vancouver). This service offers up to three hours of summary legal advice on custody, access and support issues.

- Opened a Victoria regional office of the Public Guardian and Trustee of British Columbia to serve the needs of adult clients on Vancouver Island.
- Increased the use of child protection mediation services by 24 per cent above the usage level for 2002/03.

Enhanced Efficiency

- With the Provincial Court judiciary, launched the Vancouver Backlog Reduction Initiative to reduce court delays at the Vancouver Provincial Court at 222 Main Street. This initiative seeks ways to increase courtroom efficiencies through optimum utilization, adherence to criminal caseflow management rules, and pre-trial case management for long trials.
- Implemented a new traffic fine payment system that offers discounts for paying fines within 30 days. The new fine payment structure is designed to encourage timely payments, make court procedures more efficient, reduce costs and still protect fair process. Revenues are expected to increase by over $2 million annually.
- Streamlined the process for disputing traffic tickets. People will now be allowed to dispute their fine amounts, request time extensions, and pay without appearing in court. As a result, police and other enforcement officers will be able to spend less time in court and more time in their communities protecting the public. The changes are expected to help reduce court backlogs and save $1.9 million annually.
- Implemented full-cost recovery for providing legal services to government. This model will strengthen accountability for the use of legal services by ministries, and accurately reflect the cost of legal services within client ministries.
- Developed a provincial automated system for tracking and managing civil court cases. When implemented in 2004/05, it will be the first electronic case management system used in civil court.
- Led federal and provincial efforts to develop policy and standards for electronic service delivery in civil courts.
- Created a dedicated strategic human resources planning team that works to align human resources activities within the ministry to specific business objectives. The team provides a number of value-added services to ministry executives such as leadership development, change management, business planning and occupational safety and health support. The team also participates in numerous government-wide projects such as the Employee Performance and Development Plan initiative and the development of the new Corporate Human Resource Plan.
- In order to improve internal operating efficiencies, reviewed 117 Crown counsel policies, of which 38 were deleted and 29 were simplified.

Year-at-a-Glance Highlights for Treaty Negotiations Office

Agreements with First Nations

- Approved four Agreements-in-Principle (AIPs) with Canada and various First Nations. The approval means that treaty negotiations advance to the final agreement stage of the British Columbia Treaty Commission negotiation process. The AIPs with the following First Nations reflect this government's commitment to revitalize the treaty process.
  - — July 26, 2003: Lheidli T'enneh First Nation
  - — October 3, 2003: Maa-Nulth First Nations
  - — December 6, 2003: Sliammon First Nation
  - — March 15, 2004: Tsawwassen First Nation
- Completed a Negotiation Protocol Agreement with Treaty No. 8 First Nations[7] and funded efforts to build capacity in Treaty No. 8 areas. Advanced negotiations on oil and gas activities to create certainty on the land base.
- Achieved treaty-related understandings[8] with Canada on three different cost-sharing issues: self-government, treaty-related measures, and resource revenue-sharing arrangements.
- Promoted First Nations participation in shellfish aquaculture, tourism, forestry and the oil and gas sectors, as well as the 2010 Olympic and Paralympic Games, through ongoing economic development commitments, now totaling approximately $26 million for 145 projects.

[7] Treaty 8 is one of 11 numbered treaties signed by Canada and various First Nations across western Canada during the 1800s and early 1900s. Treaty 8 covers northeastern British Columbia, parts of Alberta and Saskatchewan and the Northwest Territories. Current negotiations focus on resource issues and revenue sharing.

[8] These bilateral agreements between Canada and the province set terms of reference for sharing costs related to treaty negotiations and implementation and to self-government.

Ministry Role and Services

Ministry Overview

The Ministry of Attorney General and Minister Responsible for Treaty Negotiations has overall responsibility for the administration of justice in British Columbia, as well as for the negotiation and implementation of treaties and other agreements with First Nations. The Attorney General has a constitutional and statutory role as the government's lawyer, providing legal advice, representing the government in litigation and drafting legislation.

In fulfilling the justice mandate, five main core business areas of the ministry work together and with other justice participants,[9] such as the police, the judiciary, defence counsel, other ministries, community groups, professional organizations and contracted service providers. Involvement of all participants is vital to the effective and efficient delivery of services to the public. The ministry strives to enhance public confidence in the integrity and effectiveness of the justice system by fostering involvement and shared initiatives among the participants.

The following core business areas contribute unique sets of programs and services that integrate with services from other justice participants and constitute the justice process.

Court Services offers administrative, security and enforcement services to support the independent judiciary and the operation of three separate levels of courts over which the judiciary presides — the Court of Appeal, the Supreme Court and the Provincial Court.

Legal Services provides advice to ministries and Cabinet, drafts legislation and represents the government in court and before administrative tribunals.

Prosecution Services assesses and conducts all prosecutions and appeals of offences under the *Criminal Code of Canada*, the *Youth Criminal Justice Act* and offences arising from violations of provincial statutes.

Justice Services manages provincial funding of legal aid and is responsible for a range of civil and family law programs and services including dispute resolution and enforcement of registered maintenance orders and agreements.

Executive and Support Services provides administrative and other corporate-level services to the Ministry of Attorney General, the Treaty Negotiations Office and the Ministry of Public Safety and Solicitor General.

A sixth core business area, the **Treaty Negotiations Office**, operates under a separate mandate. The Office negotiates agreements with First Nations in an effort to achieve legal certainty and thereby strengthen the province's economy.

Services, clients and resources for all core business areas are presented in greater detail later in this report.

[9] The justice system is adversarial by nature. Justice participants may be part of the same overall process, yet by virtue of their separate responsibilities to persons who use the system, they must act independently of each other. Therefore, the working interrelationships among them do not fit the conventional definition of partnerships. Justice participants must strive to render their services with objectivity and freedom from undue influence in order to maintain fairness and integrity within the justice process.

Ministry Vision, Mission and Values

Vision

An accessible, responsive, accountable justice system that protects the rights of all citizens, offers a range of affordable, timely and fair ways to resolve disputes, and fosters confidence in the integrity, efficiency and effectiveness of the justice system. The knowledge that government operates lawfully and is achieving reconciliation with First Nations through negotiation contributes to the social stability and economic vitality of British Columbia.

Mission

To promote the safety and security of communities (in cooperation with the Ministry of Public Safety and Solicitor General); administer an independent, impartial and accessible justice system; facilitate the timely, fair and lasting resolution of civil legal disputes (including family); provide high-quality legal services to government; and, through negotiation, achieve reconciliation with the First Nations of British Columbia and legal certainty over the ownership and use of Crown land and resources in British Columbia.

Values

The Ministry of Attorney General shares with all government organizations a commitment to affordability, efficiency, timeliness, accountability, innovation and reform, and a healthy, supportive workplace. In addition, the ministry strives to deliver its unique services in accordance with the following values, all of which guide decision-making as well as day-to-day operations.

Accessibility	Provide understandable, available and affordable justice services to the province's citizens.
Certainty	Build economic strength and stability through respectful negotiation and resolution of Crown land and resource issues.
Independence	Observe the separateness of justice participants whose responsibilities require them to act independently and render their services and decisions free of undue influence.
Impartiality and fairness	Protect the rights and interests of all parties involved in criminal and civil cases and ensure objective representation.
Processes that are appropriate to the nature of the dispute	Promote justice processes that take into account the best use of resources given the unique characteristics of each case.
Respect for the law	Conduct all justice proceedings ethically and professionally.

Ministry Operating Context

During the 2003/04 fiscal year, the ministry furthered its efforts to rationalize and improve the provincial justice system so that it can continue to meet the needs of British Columbians while remaining affordable, accessible and within the confines of the limited resources available.

Major initiatives undertaken in the previous year had paved the way for further change in 2003/04. For example, in 2002/03 the number of permanent staffed courthouses was reduced from 68 to 44 as part of reductions to meet budget targets. These closures resulted in a reduction of 65 full-time employees (FTEs) and an estimated $7 million in gross savings. However, by 2003/04 the number of circuit courts was expanded by 50 per cent from 31 to 46 at a cost of approximately $800,000 (direct and indirect costs). These changes saved a net amount of $6.2 million and allowed services to continue as efficiently as possible.

Ministry programs and services were reviewed in 2001/02 and, in the following two years, were restructured, consolidated or discontinued as appropriate in order to use resources to the best advantage and to eliminate redundancies. Early retirement and voluntary departure incentives were offered in all ministries in order to facilitate restructuring. These latter two incentives were very successful in the Ministry of Attorney General, but at the same time they introduced new workload challenges.

Restructuring on this scale has allowed the ministry to make the best use of the limited resources available to it and to achieve greater efficiencies. It also created opportunities to implement needed reforms.

Although the ministry has been making substantial reforms for the past three years, it has not been without financial challenges. These have been met internally through various economies that cannot be relied upon in the future. It is within this context that the pressures and demands discussed below affected ministry operations in 2003/04.

Ongoing Pressures in 2003/04

- **Circuit Court Expansion.** The further expansion of circuit courts into communities where courthouses had been closed introduced new demands around leasing, staffing and travel. Some additional operating costs had to be managed by the ministry, drawing on strategies that made more effective use of existing resources. Flexible and varied work hours were introduced, as were flexible staffing arrangements where one person acted as both court clerk and deputy sheriff. Electronic document transfer and document facsimiles were also used to a great extent between the circuit court locations and the home registries that housed the original documents.
- **Accessibility to Court Records.** The demand for more accessible court records and faster processing continued in 2003/04. Traditionally, court records, while automated, were accessible only at a single "home" court location. The most accurate and secure way to access records that may be required at alternative locations is through an electronic database. Since 2001, criminal records have been accessible through JUSTIN, an integrated, provincewide case-tracking system. In 2003/04 growing demands for greater

and faster access to civil records prompted the creation of a similar system to track civil cases. This system will be implemented in 2004/05.

- **Increasing Length and Complexity of Trials and Sentencing.** The time needed to prepare for and conduct trials and sentencing proceedings continued to become lengthier and more complex in 2003/04, requiring more Crown counsel involvement and more court resources. The increased use of DNA and other forensic evidence have added to the significant responsibilities undertaken by Crown.
- **Program and Staff Adjustments.** In 2002/03, recognizing that existing legal aid funding levels were no longer sustainable, the ministry restructured legal aid to reserve services for those most in need. This adjustment resulted in a greater demand for the services of family justice counsellors during 2003/04.

  Early retirement and voluntary departure incentives produced a knowledge and experience gap within the ministry in 2003/04. Replacement staff, including new recruits, required various types and levels of training to compensate for the loss of experienced staff.

New Demands in 2003/04

- **Mega Case Management.** As two extraordinary criminal cases (Air India and *R. v. Pickton*) unfolded concurrently during the fiscal year, new demands surfaced for strategies and infrastructure to manage them. The ministry, and particularly Crown and court services, responded by developing coordinated risk analysis and security measures with police, providing special training, formulating new standards for disclosure, and adapting project management techniques to case management. Handling the massive amounts of evidence in the two cases also placed new demands on prosecution services and resulted in the formation of separate prosecutorial teams with responsibilities, offices and support systems devoted exclusively to the two mega cases.
- **Legislation and Case Law Changes.** The new federal *Youth Criminal Justice Act* was implemented on April 1, 2003, replacing the federal *Young Offender Act*. Provincial implementation of the act introduced new ministry responsibilities including working with youth justice partners to ensure compliance with the spirit of the legislation, and adjusting policy, procedures and work flow approaches.

  A range of other legislation amendments required Crown counsel to become familiar with, and to implement, the changes. For example, legislation changes relating to DNA databanks, firearms, freedom of information, victims, third party records, conditional sentences, restorative justice options, and omnibus procedural amendments all placed additional demands on Crown counsel time in 2003/04.
- **Secondary Effects from Legal Decisions.** Legal decisions affected Crown caseload in 2003/04. The Supreme Court of Canada decisions on court-declared dangerous and long-term offenders required approximately 25 previously decided cases to be returned to the system for new hearings. Prosecutors were required to prepare these cases again to meet the additional demands resulting from the decision.

In 2003, there was an unusually high number of protective writs filed by First Nations, based on the assumption that certain provincial statutory limitation periods would expire within six years of the Supreme Court of Canada decision in *Delgamuukw v. British Columbia.*[10] This created a spike in the incidence of rights and title litigation.

One legal decision resulted in cost-savings to government in 2003/04. The decision rendered in *R. v. Malik*[11] actually reduced the number of *Rowbotham*[12] applications made in 2003/04, which translated into fewer court appearances.

- **Changes within Partner Ministries.** In 2003/04, the Ministry of Children and Family Development (MCFD) changed its service charter to decrease reliance on litigation for resolving child protection disputes. The new charter promoted the use of dispute resolution options such as mediation. As well, MCFD devolved budget and administrative responsibilities for legal and mediation services from their headquarters to five regions. These changes created new needs, requiring collaboration and services from the Ministry of Attorney General. The ministry's Dispute Resolution Office responded by providing:
  - — dispute resolution design services;
  - — mediation services and program advice; and
  - — regular liaison with MCFD representatives from five separate regional programs.

[10] In the 1997 court decision *Delgamuukw v. British Columbia*, 51 hereditary chiefs of the Gitskan and Wet'suwet'en people sought a declaration of aboriginal rights of ownership and jurisdiction to an area in the interior of British Columbia as well as damages against the province. The Supreme Court of Canada set out legal principles of aboriginal title but referred the matter to a new trial for resolution. That trial has not yet taken place.
The Supreme Court of Canada set out the legal test for proof of aboriginal title and clarified that aboriginal title is a kind of aboriginal right protected by section 35 of the *Constitution Act, 1982*. The legal test for proof of aboriginal title involves criteria that relates to historical use and occupation of land prior to the assertion of British sovereignty (1846 in British Columbia).

[11] In this case, application for funding by the Crown of the costs of defending the accused was dismissed because the accused had not fulfilled the factual and evidentiary onus to establish an inability to pay or contribute to legal fees.

[12] The basic framework for *R. v. Rowbotham* is: When a trial judge is confronted with an exceptional case where legal aid has been refused, and the judge is of the opinion that representation of the accused by counsel is essential to a fair trial and is satisfied that the accused lacks the means to employ counsel, the judge may stay the proceedings against the accused until the necessary funding of counsel is provided.

Ministry Structure and Core Business Areas

Each of the core business areas described in this section contributes a unique set of programs and services that integrate with services from other justice participants and constitute the justice process.

Court Services

This core business area supports timely and equitable access to the Provincial Court, Supreme Court and Court of Appeal by providing:

- administrative services to the independent judiciary;
- special assistance to the judiciary on specific initiatives such as the Provincial Court's criminal case flow management process and rules;
- case documentation and trial support;
- prisoner custody and escort;
- court order enforcement;
- court and courthouse security;
- management of jury selection;
- interpreter services; and
- maintenance of the facilities in which court is held.

These services, which are directly delivered by ministry staff, enable the courts to operate safely and efficiently.

Working with the other justice participants discussed below, Court Services facilitates the operation of the justice system. Court Services is central to that system and engages and serves all of its participants.

Court Services must operate in a manner that meets the needs of the entire system and not solely any one member of it. This must be done within an adversarial system where working relationships among participants cannot be described as true partnerships. Many decisions and functions within the system must be undertaken independently, free from improper interference and separate from decisions made by other justice system participants. Each participant contributes separately to the process in order to foster the independent and impartial administration of justice required in a free and democratic society based on the rule of law. The other key participants are:

- **The Judiciary:** The judiciary directs the scheduling of all court appearances which Court Services supports by providing administrative services, personnel, document production, prisoner appearances and courtroom and courthouse security. Court Services develops operational policies and procedures to support court processes and reforms business practices, in consultation with the judiciary.
- **Counsel:** Court Services informs counsel of operational changes affecting court processes. Court Services also provides support through the standardization of documents such as reports, forms and requests — all accessible to counsel on the Internet.

- **Police and Corrections Authorities:** Court Services works with these authorities in providing efficient and secure handling of persons in custody and in the development of case tracking and business reform initiatives.

Court Services also works directly with federal, municipal and aboriginal governments in the delivery of court services and with other government ministries and Crown corporations in matters related to facility administration and court reforms.

This core business area delivers court support services at 44 staffed courthouses and an additional 44 circuit courts. Day-to-day operations involve continuing pressures and challenges associated with case volume, case complexity, duration and types of judicial sittings, and the implementation of new legislation. High-security trials continue to create special requirements.

Technology applications are improving the efficiency and effectiveness of operations through:

- enhancements to the shared criminal case tracking system (JUSTIN);
- creation of a civil case tracking system;
- electronic filing;
- the increasing use of videoconferencing; and
- improvements to prisoner escort information.

Recent reforms concerning resolution of traffic disputes and municipal bylaw disputes are also contributing to improved efficiency in processing.

Other major initiatives that will be supported in the future include:

- implementing digital audio recording technology;
- implementing civil electronic filing and case processing;
- planning and implementing significant facility upgrades; and
- improving and monitoring performance standards and measures.

Expenditures for Court Services

(With the exception of FTEs, all figures are expressed in thousands of dollars.)	2003/04 Total Estimated	2003/04 Actual	Explanation of Significant Variances
Operating expenditures	137,485	138,493	Variance primarily due to unfunded salary rate increases and Voluntary Departure Program, Early Retirement Incentive Program and vacation payouts.
FTEs direct	1,301	1,292	

Legal Services

This core business area fulfills the Attorney General's role as official legal advisor to government. In doing so, the ministry utilizes in-house and contracted legal staff to advise government on civil law matters. The specific functions and responsibilities of this business area include:

- providing legal advice to ministries and agencies of government and to Cabinet;
- negotiating and drafting agreements;
- drafting legislation and regulations; and
- representing the government in litigation.

Legal Services counsels the Attorney General on providing legal advice to government ministries, the Treaty Negotiations Office, Cabinet and Crown corporations and agencies. These are the clients of the Legal Services Branch. Clients fund a substantial portion of the services through annual service level agreements. The cost recoveries offset the costs of delivering the services and cover salaries, operating costs and contract costs.

The area serves the public interest by ensuring that government operates lawfully and that risks to government and ministry operations are reduced. It does not provide direct services to the public.

Services are delivered through three main programs:

- Solicitor Services, which advises government agencies on lawful operations and risk reduction;
- Barrister Services, which represents government in litigation and seeks the best possible outcomes; and
- Legislative Counsel, which drafts legislation and regulations.

In-house and staff legal counsel provide most of these services. In cases of conflict of interest, workload demand, or where a particular expertise is required that is not available within the ministry, outside counsel is retained. Cost-efficient service delivery is always a consideration, and outside counsel are used where that is the most economical option.

Expenditures for Legal Services

(With the exception of FTEs, all figures are expressed in thousands of dollars.)	2003/04 Total Estimated	2003/04 Actual	Explanation of Significant Variances
Operating expenditures	15,505	17,244	Variance primarily due to aboriginal litigation expenditures, rebates to certain ministries for services that were not required or delivered under the service level agreements, and employee compensation cost of living increases.
FTEs direct	291	331	

Prosecution Services

This core business area contributes to public safety and public confidence in the administration of the criminal justice system through the timely, fair and effective prosecution of *Criminal Code of Canada*, *Youth Criminal Justice Act*, and provincial statute offences. Services include:

- assessing and approving criminal charges;
- referring low-risk offenders to alternative measures programs;
- identifying high-risk and violent offenders for specific attention;
- prosecuting cases;
- presenting victim impact information to the court at sentencing;
- handling appeals;
- providing advice to government on all criminal law matters;
- providing appropriate responses to inquiries by the media, members of the public and those directly affected by criminal prosecutions; and
- cooperating with justice system participants in developing and implementing initiatives to improve the administration of criminal justice in the province.

These responsibilities are governed by the *Crown Counsel Act* and must be carried out objectively and fairly, without regard to improper influence or interference from any source.

The goal is to deliver all prosecutorial services and advice to government in criminal matters in a timely, efficient manner. Services are delivered through the ministry's Criminal Justice Branch.

Victims, witnesses, the general public and justice participants (police and other investigating agencies, courts, corrections and government) benefit indirectly in many ways from these services. The charge assessment process ensures cases that are approved to court are sufficiently supported by the anticipated admissible evidence, and that prosecutions are only pursued if they are in the public interest.

The charge approval process does not always lead to a formal court case. After assessment, some cases may be referred to the Alternative Measures Program.[13] Cases that do not warrant charges are not approved to court, and some may be referred back to the police for further investigation.

This process contributes to efficiency: cases that do not meet the evidentiary or public interest criteria are not placed before the court; accused persons who can be adequately dealt with by a referral to the out-of-court Alternative Measures Program are not brought into the court system; and those accused persons who present a high risk of violence are identified early in the process. The charge assessment process can also reduce the potential for civil suits.

In responding to inquiries from the public, the role of the Criminal Justice Branch and Crown counsel is to assist the public in understanding the criminal justice process and maintaining their confidence in that process.

By virtue of the adversarial nature of the criminal justice system, justice participants function in an indirect relationship to the Criminal Justice Branch. Therefore, other participants in the justice process cannot be considered as partners in the conventional sense of the word. Crown counsel make their prosecutorial decisions independently of the police and other investigative agencies, victims, witnesses, members of the public, the judiciary and the Court Services Branch of the ministry.

Expenditures for Prosecution Services

(With the exception of FTEs, all figures are expressed in thousands of dollars.)	2003/04 Total Estimated	2003/04 Actual	Explanation of Significant Variances
Operating expenditures	80,790	79,997	
FTEs direct	735	737	

Justice Services

This core business area promotes access to justice services such as legal aid and provides litigants with a choice of alternatives to court that emphasize affordability and accessibility.

- The Court Mediation Program offers free mediation for disputants in civil cases and is available in five Provincial Small Claims Court registries.
- The Notice to Mediate is available in Supreme Court and allows a disputing party to compel the other party(ies) to attend one mediation session.

[13] The Alternative Measures Program diverts low-risk offenders from the traditional court system to a process that allows more personal restitution to victims and communities.

- The Parenting after Separation Program is a three-hour free information session that is now mandatory at some court registries for families in dispute. The session helps parents make informed choices about separation and conflict and take into account the best interests of their children.
- The Facilitated Planning Meeting Program uses mediation to help families reach early resolution of child protection issues.
- The Family Justice Dispute Resolution Program provides dispute resolution services to assist families undergoing separation and divorce with issues related to child custody, access, guardianship and child or spousal support.
- Maintenance Enforcement and Locate Services facilitates full payment of child and spousal maintenance by monitoring and enforcing all maintenance orders and agreements. Through these services, which are delivered by the private sector on contract, maintenance payments are calculated, received, recorded and forwarded to the recipient.

This business area manages the funding of legal aid in consultation with the Legal Services Society in the provision of legal aid. It also administers funding in respect of constitutional right to counsel cases involving publicly funded legal representation.

Offering disputants in both civil and family cases a range of out-of-court options creates significant efficiencies in the justice system and reserves the resource-intensive court process for those cases that need it most. Dispute resolution processes benefit disputants by allowing all parties to be engaged actively in creating enduring agreements designed to meet their needs, rather than having resolution imposed by the court. Clients of dispute resolution services can range from individuals to families, government ministries and agencies, and aboriginal treaty tables.

Many of the services, apart from legal aid, are provided by ministry employees and, to a lesser extent, through independent contractors and organizations. Volunteer boards participate in operating some programs. Below are four examples of organizations that are funded by this core business area and which deliver a range of related services to the public.

- The British Columbia Mediator Roster Society maintains a roster of civil and family mediators. Mediators included on the roster have met minimum standards of training and experience and subscribe to a code of mediation conduct. The roster provides easy access to mediators and is available to the public, litigants, lawyers and judges.
- The British Columbia Dispute Resolution Practicum Society operates the Court Mediation Program. This program provides an opportunity for trained, but inexperienced, mediators to practice mediation in a structured practicum setting. The Court Mediation Program also provides mediation services to Small Claims Court litigants to help them resolve their disputes early in the court process, before a judicial settlement conference or a trial. Five registries offer this program: Vancouver, Surrey, North Vancouver, Nanaimo and Victoria.
- Justice Services funds public legal education through the Law Courts Education Society and the Public Legal Education Society (People's Law School).
- Justice Services also funds the Legal Services Society, primarily to provide legal aid services to low income British Columbians who have no other way of obtaining legal help and who meet the criteria for legal aid assistance. The funding for this Society also

supports a range of other services such as: legal education through publications, web resources, and a toll-free telephone hotline.

In addition, Justice Services funded a dozen different professional and community organizations in 2003/04 to deliver its Parenting after Separation program around the province.

This business area supports and assists with several shared projects and initiatives, working with:

- administrative tribunals and the Administrative Justice Office (described in the next core business area) to develop dispute resolution processes for use by British Columbia tribunals;
- the Ministry of Children and Family Development and the Legal Services Society to expand the use of child protection mediation initiatives across the province;
- the Treaty Negotiations Office of the ministry to introduce dispute resolution provisions for use in Agreements in Principle and Final Agreements; and
- a Justice Review Task Force, which includes the judiciary of the Supreme and Provincial Courts, to promote civil and family justice reforms.

Expenditures for Justice Services

(With the exception of FTEs, all figures are expressed in thousands of dollars.)	2003/04 Total Estimated	2003/04 Actual	Explanation of Significant Variances
Operating expenditures	96,723	95,335	Variance primarily due to salary and benefits savings because of hiring delays, under-implementations and various staffing strategies.
FTEs direct	165	148	

Executive and Support Services

This core business area provides administrative support and corporate-level services to the Ministry of Attorney General, the Treaty Negotiations Office and the Ministry of Public Safety and Solicitor General. Included among the services to these organizations are:

- financial and resource management;
- policy analysis and development;
- legislation development;
- corporate planning and reporting processes;
- information technology development;
- strategic human resource services; and
- logistical and administrative support to agencies, boards and commissions.

Services are delivered by staff and by contracted providers. The contracted providers include the Ministry of Management Services, which has service level agreements with all ministries for the provision of corporate services such as payroll; all voice and data management services; and a range of day-to-day human resource services (recruitment, selection and classification).

The ministry works with the B.C. Buildings Corporation in providing space for the court system and for office operations. The ministry also uses consultants to provide advice on issues where outside expertise will benefit ministry programs and the delivery of administrative services.

This core business area is often given responsibility for launching new ministry and government justice initiatives — or aspects of such initiatives — and developing them to a point where they can be turned over to other areas of the two ministries or to other agencies for further action.

The Citizens' Assembly on Electoral Reform is one example where Executive and Support Services oversaw development of the terms of reference governing the Assembly. The initiative is continuing to move forward under the auspices of the Legislative Assembly, with logistical and administrative support provided by Executive and Support Services.

Another example of support provided to new initiatives is the Administrative Justice Project, one of many justice reform efforts currently under way. This project reviewed the nature, quality and timeliness of the services delivered through administrative justice agencies such as the B.C. Parole Board and the Commercial Appeals Commission. Following the review, a separate Administrative Justice Office was set up to implement recommendations from the review. The office continues its work with administrative assistance from Executive and Support Services.

This business area also develops new policy and legislation in support of law reform and other ministry and government priorities.

Through the Management Services Branch, the area provides the two ministries and the Treaty Negotiations Office with:

- budget coordination and expenditure monitoring;
- revenue planning;
- accounting and financial reporting;
- payment processing;
- financial control and systems support;
- information access, privacy protection and records management support;
- support for procurement, and for contract and risk management;
- strategic human resource services; and
- information technology solutions.

Only one division in this core business area provides direct services to the public through freedom of information requests. While there are no other direct services provided to the

public by this business area, the public interest is served in several ways. For example, criminal justice, civil justice and family justice policies are vital to the public interest and central to the tenets of a democratic society. The development of legislation is a key function of the provincial government. Articulating government direction and priorities through Service Plans and annual reporting on progress achieved keep the public informed and the government accountable for its decisions. Citizens also benefit through the actions of the separate agencies, boards and commissions that have been established in the public interest.

Expenditures for Executive and Support Services

(With the exception of FTEs, all figures are expressed in thousands of dollars.)	**2003/04 Total Estimated**	**2003/04 Actual**	**Explanation of Significant Variances**
Operating expenditures	63,766	63,200	
FTEs direct	281	265	

Treaty Negotiations Office

This office constitutes a separate core business area of the ministry. It is responsible for negotiating and implementing treaties and other agreements with First Nations. In doing so, legal certainty regarding the ownership and use of Crown land and resources is clarified, which contributes to economic strength and stability for all British Columbians.

The office also helps to foster healthier community relationships across the province, first by reconciling past differences between the Crown and First Nations, and second, by creating economic opportunities to improve the quality of life of aboriginal people.

The work of this office focuses on three distinct components: negotiations, economic development, and reconciliation.

Negotiations. Treaties are constitutionally-protected agreements negotiated between First Nations and the governments of British Columbia and Canada. Treaties set out a new relationship between the parties and define their respective rights and responsibilities. Negotiated agreements can create certainty over Crown land and resources by clearly defining land ownership and law-making jurisdiction across the province. Treaties contribute to a stable climate for economic investment in the provincial land base and allow for mutually beneficial governance arrangements, business relationships and land management processes.

The Treaty Negotiations Office negotiates treaties through a six-stage process overseen by the B.C. Treaty Commission, an independent body established in 1993 by the province, Canada and the First Nations Summit. During the six-step treaty process, the parties also negotiate other significant agreements that help to build certainty. These include Agreements-in-Principle, land protection agreements, self-government agreements and fiscal financing

agreements. All negotiations conducted by the office adhere to British Columbia's publicly endorsed negotiating principles defined in the 2002 Referendum on Treaty Principles.

Provincial treaty negotiators also consult with local governments, business representatives and other community groups as part of their negotiating responsibilities. Through this process, critical support for treaty-making is built at the community level.

Economic Development. The Treaty Negotiations Office administers government funding for First Nations that is used to improve access to training, expand business skills, and encourage entrepreneurship and participation in the British Columbia economy. Funded projects include:

- partnerships between aboriginal communities and industry or local government;
- increased First Nations access to resource tenures;
- measures that address specific land and resource issues, including First Nations involvement in strategic land-use planning; and
- measures that increase First Nations capacity to engage in the economy.

Reconciliation. The Treaty Negotiations Office is also responsible for developing and implementing an action plan outlining short- and long-term goals for recognition and reconciliation initiatives. These initiatives are intended to help forge new relationships with First Nations and are based on:

- reconciliation of past differences;
- recognition of each other's rights and responsibilities; and
- renewed efforts to build a brighter future for all British Columbians.

Expenditures for Treaty Negotiations Office

(With the exception of FTEs, all figures are expressed in thousands of dollars.)	**2003/04 Total Estimated**	**2003/04 Actual**	**Explanation of Significant Variances**
Operating expenditures	34,665	29,582	Variance primarily due to lower operating costs and projects and initiatives not proceeding; payments not required to the McLeod Lake Indian Band; and lower economic measures expenditures due to delays in program implementation.
FTEs direct	85	99	

Strategic Shifts and Significant Changes in Policy Direction

There have been no significant changes in strategic directions or policies since the Service Plan on which this report is based was published in February 2003. The ministry is continuing to explore and implement reforms that address the interaction between citizens and the justice system and emphasize **accessibility, efficiency, fairness** and **affordability**. These four attributes emerged from the 2001 core review of ministry programs and services and became the foundation on which subsequent strategic shifts and reforms were based. They, along with the ministry values discussed earlier in the report, continue to guide ongoing improvements.

- **Accessibility:** British Columbia is a diverse province with a diverse population. The justice system must continue to be accessible to all people in the province, regardless of where they live or what their personal circumstances may be.
- **Efficiency:** The justice system must be efficient. Trials must take place within a reasonable time and courtrooms must operate in a way that makes the best use of resources.
- **Fairness:** As part of its responsibility to protect citizens and maintain order and public safety, the justice system must continue to apply the rules of law fairly and equally.
- **Affordability:** The justice system must be affordable to all citizens who use it. The costs to government and litigants must be reasonable.

Update on *New Era* Commitments

Many of the short-term *New Era* projects and commitments that had been assigned to this ministry by the Premier's Office in June 2001 were completed and described in previous annual reports. A few longer-term commitments shown below are nearing completion. Work on several other commitments will continue indefinitely because they are integral to the ministry mandate.

Continuing *New Era* Commitments

Ministry of Attorney General	Details
Pass a *Domestic Violence Act* that will enhance protection and reduce domestic violence, especially for women and children	**Ongoing.** A review of current policy and legislation determined that the *Criminal Code of Canada* and the *Family Relations Act* are sufficient and working well in British Columbia. The legislation, in conjunction with a combination of policy and program initiatives of the Ministry of Attorney General, Ministry of Public Safety and Solicitor General, and Ministry of Community, Aboriginal and Women's Services, constitute a very significant response to the issue of domestic violence.

Ministry of Attorney General	Details
	In the Ministry of Attorney General, the Criminal Justice Branch has reformed the spousal assault prosecution policy. The new policy places emphasis on victims' safety, and on finding justice responses appropriate to each case, depending on the level of severity. With good policy, programs and practices in place, the policy objectives underlying the *New Era* commitment are being met without new legislation. Domestic violence initiatives will continue to be monitored in light of the *New Era* commitment.
Protect private property rights and prevent government from expropriating assets without fair compensation	**Ongoing.** The *Protected Areas Forests Compensation Act*, passed in May 2002, ensures continued compensation for the establishment of parks and protected areas.
Seek clear direction from the Supreme Court of Canada on constitutional questions about Aboriginal self-government	**Ongoing.** There is a commitment to act where necessary. As an alternative to the litigation process, the province has developed a new framework for negotiating self-government arrangements consistent with the publicly endorsed referendum principles.
Amend the recall and initiative legislation and make it more workable for British Columbians to hold MLAs more accountable and initiate referendums on issues of provincewide concern	**Ongoing.** It remains the intention of government to amend this legislation within the current mandate.
Citizens' Assembly will hold public hearings throughout B.C. and, if it recommends changes to the electoral system, that option will be put to provincewide referendum	**Ongoing.** Ministry is providing administrative support to the Assembly until December 2004, when the Assembly will complete its work.
Stand up for the equality of all Canadians and all provinces under the Canadian Constitution	**Ongoing.** The province is pressing the federal government to ensure that no jurisdiction bears an unfair burden under the implementation of the Kyoto Protocol, and has aggressively pursued equitable funding arrangements under the First Ministers' Health Accord.
Ensure that all B.C. laws respect the equality rights guaranteed to all British Columbians under the Constitution	**Ongoing.** Part of ministry mandate; no fixed end date.
Ensure all British Columbians have equal access to legal representation and justice	**Ongoing.** The province has restructured legal services, introduced circuit courts and set up a 24-hour call centre, all to stabilize the legal aid system and ensure legal aid is available to British Columbians who need it most.

Ministry of Attorney General	Details
Insist on equal, non-discriminatory voting rights for all Canadians in respect of governments that rule their lives *[This commitment also appears below under Treaty Negotiations.]*	**Ongoing.** An amendment to the *Election Act* in spring of 2003 brings the rules for prisoners voting in elections into line with a Supreme Court of Canada ruling in 2002.
Treaty Negotiations Office	
Fully protect private property rights and resource tenure rights in treaty negotiations	**Ongoing.** This principle was ratified in a referendum and is used in ongoing negotiations.
Insist on equal, non-discriminatory voting rights for all Canadians in respect of governments that rule their lives	**Ongoing.** Governance agreements accompanying Agreements-in-Principle with First Nations will enable them to form democratically elected and accountable governments.
Work to ensure that all aboriginal governments have the same legal status in B.C. as they do in every other province	**Ongoing.** British Columbia's publicly endorsed principles for treaty negotiations ensure aboriginal governments have the status and authority necessary to meet community needs.
Work to expedite interim measures agreements with First Nations to provide greater certainty during treaty talks	**Ongoing.** The government entered into 36 treaty-related measures agreements by April 1, 2004, and continues to work with First Nations to accomplish this commitment.
Fast-track treaty talks to conclude fair settlements	**Ongoing.** Agreements-in-Principle have been signed with the Lheidli T'ennah, Maa-nulth, Sliammon and Tsawwassen First Nations. Final agreement talks are in progress.
Offer to negotiate a delegated, municipal style of self-government with any First Nation that wants to move beyond the *Indian Act*	**Ongoing.** A new framework for negotiating self-government arrangements was presented in open cabinet in November of 2002 and is reflected in the ratified Agreements-in-Principle.
Introduce a legislative framework for legally respecting aboriginal rights protected under the Constitution in the absence of treaties	**Ongoing.** Developed an approach that guides ministries in meeting their legal obligations to consult and seek to accommodate asserted First Nation rights and title. The Forest/Range Agreement between Ministry of Forests and individual First Nations represents an element of cooperative accommodation.

Performance Reporting

Overview of Ministry Goals

The ministry's overall, long-term directions are based on the vision statement shown below. Five high-level ministry goals were derived from this vision, and each of the core business areas shown in the table supports one or more of the goals. Expected outcomes for each business area are consistent with both the vision statement and the goals.

Vision Statement

An accessible, responsive, accountable justice system that protects the rights of all citizens, offers a range of affordable, timely and fair ways to resolve disputes, and fosters confidence in the integrity, efficiency and effectiveness of the justice system. The knowledge that government operates lawfully and is achieving reconciliation with First Nations through negotiation contributes to the social stability and economic vitality of British Columbia.

Ministry Goals	Goal Rationale
1 Laws and justice services are administered fairly, equitably and efficiently to all British Columbians, while individual rights and judicial independence are protected	By focusing on fair, timely, diverse, and appropriate services, inclusiveness, and the protection of individual rights, this goal addresses the first part of the vision statement.
2 Citizens and communities of British Columbia receive protection from crime and its social and economic consequences	This goal reflects the services provided by the ministry that bring offenders to justice in a timely manner and help foster public confidence in, and respect for, the justice system.
3 High-quality legal services are provided to government	This goal is intended to ensure lawful operations and effective risk management across government.
4 The treaty process achieves agreements, and the economic climate is enhanced through effective negotiations	This goal seeks to enhance economic vitality and stability through negotiation and reconciliation with First Nations. It reflects the last part of the ministry vision statement.
5 The efficiency of all ministry operations is improved through the use of innovative business practices and technology	Aimed at bringing about innovations to improve performance, this goal is fundamental to realizing all aspects of the vision stated above.

Core Business Areas, Related Ministry Goals and Expected Outcomes
Court Services: Goals 1, 2, 5 ***Outcome:*** Services (such as registry and trial support as well as security and escorts) that enable efficient case processing.
Legal Services: Goals 3, 5 ***Outcome:*** Legal services that ensure the administration of public affairs is in accordance with the law, and that help ministries and agencies fulfill their legal responsibilities.

Core Business Areas, Related Ministry Goals and Expected Outcomes
Prosecution Services: Goals 1, 2 ***Outcome:*** Prosecution services that ensure the law is applied equitably and fairly to all citizens, in a manner that is timely and protects individual rights.
Justice Services: Goal 1 ***Outcome:*** Services that give litigants access to innovative dispute resolution systems and to processes that assist them in reaching fair, workable and enduring resolutions to justice-related disputes.
Executive and Support Services: Goals 1, 2 ***Outcome:*** Administrative support for government and corporate initiatives that concurs with government directions and fiscal realities.
Treaty Negotiations Office: Goal 4 ***Outcomes:*** 1) Increased access to Crown lands and resources for economic development, and 2) Agreements that strengthen the relationship between First Nations and the government.

Key System Indicators

This report focuses largely on performance measures for core business areas, as opposed to system indicators. Performance measures for core business areas relate to specific activities that are conducted within each separate business areas. Responsibility for this kind of performance measure and control over the results reside within each respective business area.

However, within the provincial justice system, there are other broader measures of performance that do not fall exclusively under the auspices of a single core business area. These other measures are referred to as system indicators, and they differ in several ways from performance measures.

System indicators summarize results of entire justice system processes (as opposed to isolated aspects of a process) and represent the combined outcomes of responsibilities and accountabilities of two or more business areas, as well as of other participants in the process such as the judiciary and the police. Although each separate business area and each participant contributes to system indicators, no single business area or participant has sole responsibility for, or control over, such indicators, or the ability to achieve targets single-handedly.

Shared responsibilities create shared challenges for performance measurement within a ministry that operates through discrete branches. For example, criminal case processing is a significant component of the justice system. Improved case processing efficiency is a desirable outcome that requires the combined activities of Court Services, Prosecution Services, Justice Services, the independent judiciary, defence bar and the police. If cases are not processed efficiently and are therefore delayed, the associated costs can increase. Unacceptable delay in case processing can also be grounds for dismissing charges.

The three indicators shown below are used by the ministry to track and demonstrate case processing efficiency, but they have never been under the exclusive control or direction of a single business area. For that reason, they are included in this report as additional performance information that reflects the cumulative results of actions by thousands of individuals dealing with tens of thousands of cases.

The associated efficiency estimates for 2003/04 were projections as opposed to true targets. While overall increased efficiency is a desirable outcome and may be achieved as new resources are made available or as significant reforms to policies and procedures are implemented, these projections were kept stable. They were based on the expectation that, during 2003/04, the ministry would be able to maintain services at the 2002/03 efficiency level and still be consistent with government's commitment to a balanced budget.

Key Indicators of Provincial Justice System Efficiency	2002/03 Actual/Base	2003/04 Estimate	2003/04 Actual
Median number of days to disposition from first appearance in court for criminal cases[1]	44	44	51
Average months of trial delay in Provincial Court criminal cases	6	6	5.1
Average number of appearances per completed case in Provincial Court	5.8	5.4	6.1

Variance Implications: The measurement of time and court events from case commencement to disposition broadly indicates system efficiency and effectiveness. Unacceptable delays can be grounds for dismissing charges.

Trial delay is the period of time that begins on the day when the defence formally requests a trial and ends on the day when a trial date is set. The actual for 2003/04 shows that the average time required to set dates for trials to begin decreased by just under one month. The decrease in delay produced an overall improvement in the speed with which cases are processed.

The other two indicators show increases and could reflect growing case complexity involving intricate legal issues, multiple parties, and large volumes of technical evidence. All of these factors take longer to resolve, and they use more court resources. Data from previous years show that the average number of appearances is increasing fractionally, which is consistent with increased case complexity.

[1] This measure represents all criminal and quasi-criminal matters and related applications, including those that do not proceed to trial.

Data Considerations: Three key indicators are tracked by the Court Services Branch. Two of them (first and third above) are based on courtroom processes and document handling. The first indicator — median number of days to disposition — tracks the median time required to process documents related to a given case.

Unlike two similarly worded proxy measures used elsewhere in this document (see Prosecution Services), the first indicator above comprises all of the offences that are heard in Provincial Criminal Court, which includes traffic violations and violations of municipal and federal statutes. These inclusions produce quite different results than do other proxy measures of median time to disposition. Prosecution Services' measures of time to disposition are based on actual criminal cases, not numbers of documents processed; and they do not include traffic offences or municipal or federal statute offences.

The data source for the first and third measures is JUSTIN, a highly reliable, integrated case-tracking system used throughout the province. The second measure is reported twice annually by the Office of the Chief Judge and is generated by survey.

Core Business Area Performance Results

This section contains key performance information for 2003/04 that is specific to each separate core business area of the ministry. It identifies the ministry goal or goals that each area supports and describes how the key objectives, strategies and measures connect to the goals and to each other. It also explains how each key measure helps to define the progress made in 2003/04 toward achievement of ministry goals, business area objectives and strategies.

Performance is discussed in terms of actual results versus estimated targets. Comparing actual results to estimated targets usually involves minor variations. However, when the differences between the two are considerable, explanations for the variances are provided. Where practicable, data considerations such as sources, compilation, accuracy, reliability and limitations are also given.

Supplementary measures that are largely operational (e.g., non-critical outputs and workload), but which complement, and add perspective to, the critical measures in this section, have been placed in an appendix. This appendix also contains proxy (substitute) measures that are serving temporarily until more direct and meaningful measures can be developed and tested.

Court Services

Ministry Goals Supported by Business Area	Key Objective and Strategies
Goal 1: Laws and justice services are administered fairly, equitably and efficiently to all British Columbians, while individual rights and judicial independence are protected. Goal 2: Citizens and communities of British Columbia receive protection from crime and its social and economic consequences. Goal 5: The efficiency of all ministry operations is improved through the use of innovative business practices and technology.	**Support operation of three levels of court in processing cases in a timely, efficient manner.** • Use more videoconferencing units to permit appearances by witnesses, accused, counsel and other parties. • Reform processes for hearing disputed traffic offences. • Remove municipal bylaw disputes from the Provincial Court hearing process.

The key objective for this business area — timely and efficient court operations — supports ministry goals 1, 2 and 5. The use of efficient processes assists timely case disposition, which in turn can influence public perception and understanding of the justice system. It can also bolster public confidence that the system is being administered fairly and equitably (Goal 1). Sentences can have a deterrent effect and can also assure the public that social order is being upheld by the rule of law (Goal 2). The effective use of resources such as staff time, facilities, and technology contributes to efficiencies such as reducing unnecessary court appearances and maximizing court capacity (Goal 5).

The strategies help achieve the key objective by defining the activities that can lead to more efficient courtroom operations. Videoconferencing can help avoid delays and costs associated with escorting prisoners to court and requiring witnesses to travel to court. Finding ways to expedite disputed traffic offences and municipal bylaw disputes can help in redeploying court resources to those cases where they are most needed.

The three key performance measures that inform this core business area involve technology advances, program reforms, and certainty of court events.

1	Key Performance Measure	2002/03 Actual	2003/04 Target	2003/04 Actual
	Number of videoconferencing units in use	63	68	70 **▶Target Surpassed**

Data Considerations:
These data are provided by the office of the Project Director, Court Videoconferencing. The number of units that are fully installed and operational is confirmed by the Project Director at the completion of each installation. Confirmed locations are then added to a site directory. Since each installation is tested and verified, this data is accurate and reliable. The process of installing and redeploying equipment may result in slight fluctuations in the total number of units in service over time.

This measure has tracked the expansion of videoconferencing for courtroom use in British Columbia since early 2000. British Columbia has been, and remains, an acknowledged leader in the use of videoconferencing in courtrooms with links to correctional centres.

Greater use of videoconferencing supports the key objective by allowing savings on costs of witness testimony. It contributes to greater efficiency and safety related to escorting prisoners. It permits greater court event certainty, which means that a higher proportion of court events can occur on time. It also permits judicial and counsel flexibility, enabling matters to be concluded quickly.

In January 2000, there were 14 units in use in the province in courtrooms and correctional facilities. By March 2002, this had increased to 62. With 70 units in operation by March 2004, which surpassed the 2003/04 target, this initiative is largely fulfilled. Equipment has now been installed in all major courthouses and correctional centres. For that reason, in future, this measure will no longer be used. However, new measures may be designed to monitor usage frequency.

2	Key Performance Measure	2002/03 Actual	2003/04 Target	2003/04 Actual
	Number of bylaw and traffic disputes concluded in Provincial Court	114,668	113,000	91,747 **▶Target Consistent with Program Reforms**

Variance Implications:
The intent is to lower the number of traffic disputes concluded in court by finding alternative ways to expedite them. The 2003/04 target was based on an estimated reduction that might result from program reforms. The 2003/04 actual is lower than anticipated and may be due to delays in traffic court hearings. Delays may have affected both intake and output.

Data Considerations:
The data for this measure are held on JUSTIN, a highly reliable, integrated case-tracking system used throughout the province. The results are a by-product of operational case processing performed daily at every courthouse and are compiled by electronic extraction from an operational database. Reliability is verified through routine reviews that provide data quality assurance.

Traffic and bylaw disputes are one indicator of the public's use of courts to resolve disputes. By introducing ways to reduce the number of such disputes concluded in Provincial Court, court resources can be redeployed more efficiently in support of the key objective for this business area. The observed decline in the total number of bylaw and traffic disputes concluded in court is consistent with the program reforms (traffic fine discount initiative and a new adjudicative system for bylaw disputes to be heard outside the courts) undertaken to reduce this number.

However, a lower number of traffic and bylaw disputes were received in 2003/04, and delays in traffic court hearings may have artificially reduced the total number of concluded disputes.

This measure currently does not indicate whether the total volume of disputes or the proportion awaiting resolution increased or declined. Consequently the measure is no longer used in Service Plans. More appropriate measures may be developed to monitor the overall effects of these program reforms.

3	Key Performance Measure	2002/03 Actual	2003/04 Target	2003/04 Actual
	Percentage of scheduled court events for which staff are available	100%	100%	100% ▶**Target Met**

Data Considerations:
These data are derived through management feedback and incident reports that flow from individual court locations, through regional offices, and into the office of the Assistant Deputy Minister where an incident log is maintained. Incident reports are used to identify the extremely rare instances of court event cancellations resulting from inadequate staff. The information on incident logs is considered reliable.

This measure supports ministry goal 1 and the key objective for this business area by monitoring whether adequate staff are in place to support all scheduled court events. Should a court sitting not proceed for lack of staff, there could be a serious disruption to the efficient operation of the courts. Such disruptions could be costly, could inconvenience all parties, and potentially could be cause for dismissal of charges.

Historically, collapse of court sittings due to lack of staff virtually never occurs. There is a longstanding commitment to ensure staffing to support each sitting.

Legal Services

Ministry Goals Supported by Business Area	Key Objectives and Strategies
Goal 3: High-quality legal services are provided to government. Goal 5: The efficiency of all ministry operations is improved through the use of innovative business practices and technology.	**Deliver legal services that meet clients' changing needs at competitive rates.** • Conduct cost comparison study, and monitor rate fluctuations. • Arrange service level and cost-recovery agreements with all client ministries. **Reduce the province's exposure to civil liability, and control liability costs to government.** • Undertake a joint project with Dispute Resolution Office to increase clients' use of dispute resolution. • Complete the Civil Liability Review Project. • Pilot and implement a Legal Risk Management Project that complements corporate risk management initiatives.

The key objectives and strategies for this business area support ministry goals 3 and 5. Greater certainty around legal services requirements and their costs, as well as the ability to adapt them to constantly changing demands (first key objective), are critical to providing high-quality services (Goal 3). The ministry's Legal Services Branch leads other Canadian jurisdictions in the detailed financial analysis of the costs and operations required to customize advice to government organizations. These innovations support goal 5 and contribute to efficiencies across government.

The second key objective supports ministry goals 3 and 5 through the promotion and use of innovative liability reduction strategies. Use of these strategies has achieved notable success in recent court decisions, which in turn has set precedents that will enable more effective risk and litigation management in the future.

The key measures that inform this business area focus on satisfaction rates, legal cost comparisons, and the use of dispute resolution mechanisms.

1	Key Performance Measure	2002/03 Actual	2003/04 Target	2003/04 Actual
	Percentage of clients satisfied with services and cost-recovery agreements	Not available; survey postponed 91% for 2001/02	≥91%	85% **▶Target Affected by Program Change**

Variance Implications: Reductions in specific service areas contributed to an overall lower satisfaction rate for 2003/04. Satisfaction rates in service areas that did not undergo reductions maintained or exceeded previous levels. The introduction of full-cost recovery for services may also have affected satisfaction levels. The 2003/04 target was based upon prior survey results and was considered a valid projection at the time, but may have underestimated the effects of service reduction and full-cost recovery.
Data Considerations: These data are based on the results of a client survey conducted on a regular basis by B.C. Statistics, and are considered accurate and reliable by that organization.

This client satisfaction measure takes service quality into account and covers issues such as whether staff have been responsive to the clients, have understood the issues at hand and have provided the required advice. Satisfaction also covers whether the legal advice and representation provided has supported clients in their operations. All of these elements contribute to the high-quality legal services referred to by ministry goal 3.

When the target for 2003/04 was set, this measure was expected to perform as well as, or better than, it had in 2002/03. However, program changes during 2003/04 may have lowered the satisfaction rate from 91 per cent to 85 per cent.

In response to this result, Legal Services Branch is conducting a detailed review of the survey results in order to identify service areas that should be targeted for improvement. The result will also be included in discussions with client ministries regarding future service agreements.

The satisfaction rate of 85 per cent is still one of the highest in Canada among government agencies offering similar services. Only Ontario reports higher rates — between 97 per cent and 98 per cent for 2002. Quebec reports a satisfaction rate of 83 per cent for 2002.

2	Key Performance Measure	2002/03 Actual	2003/04 Target	2003/04 Actual
	Cost of legal services as compared with cost of legal services to other public agencies and legal services provided to other jurisdictions	Not available; project delayed due to other priorities	Cost remains less than, or equal to, external rates	Not available; project delayed due to other priorities **▶Target Delayed**
Variance Implications: The 2003/04 target is still a valid one. As priorities allow, further work will be undertaken to obtain a 2004/05 result for this measure.				

Legal services are provided to government by in-house counsel and through contracts with outside counsel. In providing its services, the ministry is mandated to do so as cost-effectively as possible.

At the present time, the Legal Services Branch is at the forefront of government law departments in Canada in the detailed financial analysis of its costs and operations.

The measure above is intended to compare the known costs of providing legal services to government in British Columbia with the costs incurred by other legal service providers in other jurisdictions.

However, while the ministry can measure its own overall service costs, it is more difficult to ensure that data obtained from other jurisdictions has been collected and measured in a way that makes comparison meaningful. Careful, thorough research is required to obtain comparative information that is accurate and useful. In 2002/03 and 2003/04, this work was postponed due to other priorities, most notably the implementation of full-cost recovery for legal services provided by the ministry.

Both the measure and its 2003/04 target remain valid. Legal services that are offered at competitive rates are directly linked to the first objective for this business area as well as to ministry goal 3. Work on a comparative study is expected to resume in 2004/05.

3	Key Performance Measure	2002/03 Actual	2003/04 Target	2003/04 Actual
	Percentage of civil litigation cases (to which government is a party) that employ dispute resolution mechanisms	Not available; new measure	Baseline data to be established	Baseline of 80% established ▶**Target Met**

Data Considerations:
These data are derived from case outcomes as reported in quarterly civil litigation reports. The quarterly reports are modified accordingly to ensure that relevant data to inform this measure is reliable and accurate.

The percentage is obtained by dividing the number of civil litigation cases where government was a party and dispute resolution was used (numerator) by a denominator that represents the total number of civil litigation cases where government was a party.

This measure tracks the ministry's success in promoting the use of alternate dispute resolution mechanisms to assist in resolving litigation issues. The use of such mechanisms reduces the overall costs of litigation (second objective), raises the quality of legal services provided (Goal 3), and helps improve ministry efficiency (Goal 5).

Baseline data provide a reference point from which progress and performance can be measured. The 2003/04 baseline will serve as a reference to help set targets in future years.

Prosecution Services

Major revision of the objectives, strategies and performance measures for this business area took place during 2003/04 in response to program changes and data entry upgrades. These revisions were published in the ministry's 2004/05 Service Plan. Consequently, the performance information contained in the 2003/04 Service Plan published in February of 2003 was no longer relevant for reporting purposes.

A special committee, set up within the Criminal Justice Branch, guided this effort. All modifications were intended to improve service planning and performance reporting and

enable greater accountability. The work has resulted in new and more relevant objectives, strategies and measures that reflect more accurately the direct responsibilities of this business area.

This section of the document presents the revised material as it appeared in the 2004/05 Service Plan; and, to the extent possible, it reports on the new key performance measures.

Ministry Goals Supported by Business Area	Key Objectives and Strategies
New Goal: 2004/05 Service Plan Prosecution of all offences is timely, fair and effective. ***Former Shared Goals: 2003/04 Service Plan*** Goal 1: Laws and justice services are administered fairly, equitably and efficiently to all British Columbians, while individual rights and judicial independence are protected.	***New Objectives and Strategies: 2004/05 Service Plan*** **1. Timely charge assessment where there is:** **police process** **no police process** **2. A fair and effective charge assessment process** *Strategy for objectives 1 and 2:* • Conduct in a timely manner pre-charge screening following receipt of the investigative report (Report to Crown counsel). **3. Timely conduct of prosecutions** • Contribute to the timeliness of prosecuting criminal matters by promptly providing disclosure documents and the initial sentencing position.
Goal 2: Citizens and communities of British Columbia receive protection from crime and its social and economic consequences.	**4. Fair and effective conduct of prosecutions** • Reduce unnecessary distress, cost and inconvenience to witnesses, victims and their families. • Balance the interests of the accused, the witnesses, victims and the public. • Monitor any developments in the available evidence, and ensure that, if the case no longer meets the charge assessment criteria, the Crown will stay the proceedings. • Disclose new material to the accused when received by Crown counsel, including victim impact information; and ensure that Crown prosecutorial discretion is guided by policy and corresponding case law.

Maintaining timeliness throughout the charge assessment process (Objective 1) is directly linked to the new ministry goal of timely, fair, effective prosecutions.

In British Columbia, the prosecution of offences has two distinct phases: Crown charge assessment and conduct of the prosecution. Objective 1 addresses the timeliness of the first phase — charge assessment — under two different circumstances: with, and without, police process.

If charge assessments are conducted early:

- victims can be contacted and given the opportunity to provide information on the impact of the offence on them;

- disclosure of information about the Crown's case and initial sentence position can then be provided to the accused (or defence counsel) giving the accused and counsel more time to decide their course of action before the first court appearance. Consequently, the first appearance can become a meaningful event, thereby avoiding an adjournment;
- if any further police investigation is required, the additional investigation can be conducted in a timely manner, making the first appearance a more meaningful event and avoiding an adjournment;
- if the police have not given the accused a court date, the earlier a charge is approved, the sooner a summons (or warrant) can be issued by the Judicial Justice of the Peace, and the sooner the court process can commence; and
- if the charge assessment is not completed in a timely manner, the provision of information cannot be completed in time for the defence to be prepared to commit to a course of action by the first court date and the appearance will have to be adjourned.

The following two-part measure of elapsed time to conduct charge assessments is thought to indicate a meaningful measure of the timeliness of decisions made by Criminal Justice Branch. Although this two-part measure is not yet available, and therefore has not been tested, it is thought that when it does become available, it will provide a clear indication of the contribution made by this core business area to the timeliness of processing charges to the next stage.

At this time, there are insufficient similarities between British Columbia and other jurisdictions with respect to charge assessment, and it is not feasible to develop benchmarks for comparison purposes.

1	Key Performance Measure	2002/03 Actual	2003/04 Target	2003/04 Actual
	Elapsed time to conduct charge assessment where police have: • issued process • not issued process	Data not available	Determine if data is available on JUSTIN database	Recommendations made to amend JUSTIN and make data available ▶**Target Met**

Data Considerations:
Testing was conducted on the JUSTIN database in 2003/04 to determine if these measures were available and to assess the reliability and validity of the measures. Results were that the measures were not available.

Amendments were made to the JUSTIN database to ensure the measures would be available in fiscal year 2004/05. When valid and reliable baseline measures are available, targets for the succeeding fiscal years will be determined.

The Criminal Justice Branch conducts ongoing data reviews to ensure that data quality meets or exceeds a high level of accuracy. Where the data do not meet required data integrity levels, appropriate remedial action is taken (e.g., staff training, changes to JUSTIN to make fields mandatory, data quality reports sent to offices where errors are occurring, etc.).

The second objective — fair and effective charge assessment — is also linked to the new ministry goal. Fairness and effectiveness can be maintained by proceeding to court with only those cases that should go to court, seeking alternate solutions where appropriate and screening out charges that should not be heard by the court.

In this regard, Crown counsel conduct the charge assessment of the Report to Crown Counsel based on two criteria: first, whether there is a substantial likelihood of conviction; second, whether a prosecution is in the public interest. By applying these standards, Crown counsel employ a high degree of objectivity, vigilance and consistency, resulting in a substantial percentage of accused persons and charges being removed from the court process.

The measure for the second objective represents the proportion of the total number of individuals who were the subject of police reports received by Crown counsel for charge assessment (i.e., accused persons) against whom Crown counsel approved one or more charges (i.e., accused approved to court). It is considered a proxy measure of the objective since it implies fairness and effectiveness by monitoring the percentage of accused who are screened out of the court process after undergoing rigorous and thorough charge assessment.

Historically, 17 per cent of all accused persons have charges that are not approved to court by Crown counsel. This provincial figure is very stable and varies from one fiscal period to the next by only ± 1 per cent. Thus 17 per cent is not as much a true target as it is a provincial benchmark. There are insufficient similarities between British Columbia and other jurisdictions with respect to the charge assessment and prosecution process, which does not permit an accurate and valid comparison of inter-jurisdictional benchmarks.

2	Key Performance Measure	2002/03 Actual	2003/04 Target	2003/04 Actual
	Proportion of accused persons who were screened out of the court process by Crown counsel	17%	17% (Benchmark)	17% (Benchmark) ▶**Target Met**

Data Considerations:
The source for these data is the JUSTIN database. These data were extracted April 06, 2004. The data are considered a reliable representation of actual Crown counsel decisions made during the specified reporting period.

The Criminal Justice Branch conducts ongoing data reviews to ensure that data quality meets or exceeds a high level of accuracy. Where the data do not meet required data integrity levels, appropriate remedial action is taken (e.g., staff training, changes to JUSTIN to make fields mandatory, data quality reports sent to offices where errors are occurring, etc.).

The third objective — timely conduct of prosecutions — is closely linked to the new goal for this business area and to former goals 1 and 2 in the following way. Timely conduct of prosecutions involves the Crown's prompt provision of the disclosure documents and the initial sentencing position to the accused person (or to their defence counsel). This enables the accused to prepare their defence and make the court appearances meaningful. When disclosure and the Crown's initial sentencing position are provided promptly, the accused can make early and informed decisions such as whether to:

- retain counsel;
- dispute the charges;
- pursue resolution discussions with the Crown;
- plead guilty; and
- dispute or accept the Crown's position on sentence.

An appropriate measure of timeliness is the elapsed time to provide disclosure and an initial sentencing position. Such a measure will capture multiple functions that Crown counsel perform on a routine basis, all of which contribute to timely prosecutions.[14] These functions are shown in the footnote and illustrate the value and relevancy of this measure.

[14] For example, the provision of disclosure involves these functions:
- When charges are approved, Crown counsel review file material to determine relevant and appropriate disclosure.
- The disclosure package is prepared prior to first appearance for delivery to the accused or counsel.
- When new information is received, it is immediately reviewed and disclosed to the accused or counsel, if appropriate.

The provision of an initial sentencing position requires Crown to carry out these functions:
- Review circumstances of the offence and of the history and circumstances of the accused.
- Obtain and review relevant information on the impact of the offence (financial, emotional and physical) on victims and the community, the risk to individuals and the community, and the availability of appropriate correctional or community facilities and programs.
- Consult with or notify police, Corrections Branch, victims and other Crown counsel offices on the outstanding charges.
- Ensure delivery of the initial sentencing position, if one is formulated, and explain it to unrepresented accused persons.

However, this measure is not currently available in the JUSTIN database. The Criminal Justice Branch will continue to pursue avenues to acquire this measure by requesting changes to the JUSTIN database and aligning standard business practices.

3	Key Performance Measure	2002/03 Actual	2003/04 Target	2003/04 Actual
	Elapsed time to provide disclosure and initial sentencing position	Not available	Not available	Not available

Until this key measure is available, two other measures will be used as proxies (substitutes). The following two proxy measures represent a less direct way to monitor timely conduct of prosecutions. These proxy measures represent the cumulative actions of the many justice participants involved in a shared process and are not exclusively controlled by Prosecution Services.

Temporary Proxies for Key Measure 3	2002/03 Actual	2003/04 Target	2003/04 Actual
Median time to disposition from the date the first information was sworn	Not available	121 days	121 days
Median time to disposition from the date of the first court appearance	Not available	86 days	86 days

Data Considerations:
The source for these data is the JUSTIN database. These data were extracted April 06, 2004. The measures have just been developed and are subject to change as they are refined. Since there are insufficient historical data available to set realistic targets, these targets largely reflect actuals.

Although the data are, for the most part, considered reliable, there are a few cases where the date on which the matter was concluded is not available from the database. The ministry is taking action to resolve this issue.

The Criminal Justice Branch conducts ongoing data reviews to ensure that data quality meets or exceeds a high level of accuracy. Where the data do not meet required data integrity levels, appropriate remedial action is taken (e.g., staff training, changes to JUSTIN to make fields mandatory, data quality reports sent to offices where errors are occurring, etc.).

These two proxy measures bear only a superficial resemblance to one of the key indicators of provincial justice system efficiency discussed earlier in this report. The two measures above exclude traffic offences and violations of municipal bylaws and federal statutes and include only offences covered by the *Criminal Code of Canada*, the *Youth Criminal Justice Act*, and offences arising from violations of provincial statutes. Both measures represent a subset of the total number of criminal cases heard in Provincial Court.

The fourth objective for this business area — fair and effective conduct of prosecutions — requires a balanced consideration of the interests of the accused, the witnesses, the victims, the families and the public. Measuring fairness, however, is a challenge facing every justice system. Many jurisdictions, including British Columbia, are working to resolve the complexities of measuring this concept. Currently there are no benchmarks available from other jurisdictions.

Information on both fairness and effectiveness is not currently available in the ministry's JUSTIN database. The Criminal Justice Branch will continue to pursue avenues to acquire the measure by requesting changes to the JUSTIN database. When measures of fairness and effectiveness are developed, they will capture many routine functions that Crown counsel perform to ensure fair, effective prosecutions.[15] A special ministry sub-committee on performance measures will address these issues in 2004/05.

Justice Services

Ministry Goals Supported by Business Area	Key Objective and Strategies
Goal 1: Laws and justice services are administered fairly, equitably and efficiently to all British Columbians, while individual rights and judicial independence are protected.	**Encourage greater public use of out-of-court dispute resolution options within the civil/family justice system.** • Increase the number of disputes settled through processes such as the Court Mediation Program and Facilitated Planning Meetings. • Support programs to increase the number of trained mediators who provide dispute resolution services throughout the justice system. • Conduct court-ordered assessments in child custody cases and enforce maintenance orders.

The objective — greater use of out-of-court dispute resolution options — supports ministry goal 1 by promoting public acceptance of alternative services and by using acceptance to build public confidence that such alternatives are fair and equitable.

Offering justice system users a range of options for resolving their disputes also creates efficiencies within the system, which further supports goal 1. For example, many civil cases can be resolved outside of court, reserving resource intensive court processes for the cases that need it most. In addition, innovative processes can allow people to participate actively in creating fair, enduring agreements that are tailored to their individual needs and circumstances.

The first two strategies represent ways to expand out-of-court options and ensure that the ministry can continue to offer litigants a choice of alternative ways to resolve disputes. The third strategy also helps to ensure that child custody cases are expedited and that

[15] Consideration by Crown counsel and staff can comprise:
- provision of disclosure;
- post-charge assessment review of the case prior to trial, on the basis of the charge assessment criteria, to ensure its continuing viability;
- consideration of defence requests, post-charge assessment and alternative measures referral;
- provision of information to victims and their families about the case, victim services and general information about the justice system;
- requests for terms to protect the safety of victims or witnesses in bail or sentence orders; and
- application for testimonial aids for witnesses, such as screens or the use of video-link technology.

parents and spouses are aware of, and fulfill, their obligations. Enforcement of child and spousal maintenance obligations support the administration of family law statutes and help ensure that laws and justice services are fairly and equitably applied as stated in goal 1.

The key measures used to track progress in this core business area focus on rates of satisfaction, settlement and support payments, as well as on mediator training.

1	Key Performance Measure	2002/03 Actual	2003/04 Target	2003/04 Actual
	Mean rate of satisfaction with mediation in all sites offering the Court Mediation Program (CMP) Based on a 5-point scale: (1 = very dissatisfied; 5 = very satisfied)	4.2	≥4	4.2 ▶**Target Met**

Data Considerations:
These data are collected by questionnaires, which all participants in the program are asked to complete. The results are measured on a 5-point scale, with 1 being the least satisfied and 5 being the most satisfied. Individual results are entered onto the Court Mediation Program database where they are compiled.

The Court Mediation Program is outgrowing its current database, and concerns about data corruption are growing. The program is developing a new database that will address these concerns and ensure accuracy and reliability.

To meet the objective of encouraging greater public use of out-of-court dispute resolution, clients must be satisfied with the dispute resolution processes available to them. High satisfaction levels can lead to increased use. The measure demonstrates the level of client satisfaction with the mediation process provided at registries offering the Court Mediation Program.

The ministry uses satisfaction results to promote mediation across the court system and in government ministries and agencies.

While there are many mediation programs in other jurisdictions, none are comparable to this one, which makes it difficult to draw valid comparisons between programs. Unlike other mediation programs, the Court Mediation Program has a dual focus: training and service delivery. Mediations are conducted by student mediators who are under the supervision of experienced mentors or recent program graduates. Other mediation programs focus on service delivery only.

2	Key Performance Measure	2002/03 Actual	2003/04 Target	2003/04 Actual
	Percentage of small claims disputes settled after referral to the Court Mediation Program	50%	≥60%	56% ▶**Target Largely Met**

Variance Implications:
The actual settlement rate of 56 per cent is an improvement over 2002/03 and represents a more realistic target than does 60 per cent. A new Small Claims Mediation Rule was introduced in 2003, replacing a practice direction issued by the court. As litigants and lawyers get accustomed to practice under the Rule, we expect that the program will move closer to a settlement rate of 60 per cent. However, 60 per cent may be somewhat high. While settlement rates for voluntary cases are above that, settlement rates for mandatory referrals are lower, bringing the average down. The program has not yet achieved an overall settlement rate of 60 per cent.

Data Considerations:
The settlement rate is the number of cases settled at mediation plus the number settled before the mediation divided by the total number of mediations held. The latter number is included in this calculation based on the assumption that referral to mediation stimulates the private settlement process. These data are derived from filed reports on the outcome of each mediation. Each outcome is reported to the Court Mediation Program where staff enter the information onto a database.

The Court Mediation Program is outgrowing its current database, and concerns about data corruption are growing. The program is developing a new database that will address these concerns and ensure accuracy and reliability.

In order to encourage public use of out-of-court dispute resolution processes, there must be public access to processes where settlement is a real possibility. If cases are not settled through the program, it will not be considered successful in providing an "off ramp" from the court system. Therefore, if settlement rates are too low, the public may lose confidence in out-of-court processes, which, in turn, could weaken efforts to provide affordable and timely out-of-court options.

The ministry uses settlement rates to promote mediation as an alternative to court processes for the public, government ministries and agencies. Settlement rates can also show the impact that successful mediations have on the court system because court resources are not required for cases that settle.

As described for the first key measure, difficulties with using benchmarks also apply to settlement rates.

3	Key Performance Measure	2002/03 Actual	2003/04 Target	2003/04 Actual
	Percentage of cases where some or all issues are settled at a Facilitated Planning Meeting (FPM)	93%	≥90%	96% ▶**Target Surpassed**

Variance Implications:
The actual for 2003/04 may have been affected by two factors: 1) 2003/04 was the second year this mediation option was available, and mediators may have become more skilled at offering the service; and 2) social workers involved in the cases may have shown greater support for the service in its second year. The observed increase over the 2002/03 actual may be significant because more child protection offices referred cases to a Facilitated Planning Meeting in 2003/04, which resulted in a more diverse client group with more issues than was seen in 2002/03.

Data Considerations:
The data are gathered through case management forms completed by child protection mediators when 1) a case is accepted and 2) a case is completed. Results are compiled monthly by updating a provincial mediation activity report and adding the new cases.

The time required to update the activity report has affected reporting of this data to some degree. However this has been remedied by creating an ACCESS data entry and reporting system. Accuracy is assured by cross-referencing the provincial report totals against report totals produced for five regions within the province.

The Facilitated Planning Meeting settlement rate indicates the extent to which child protection cases are being resolved by dispute resolution options other than litigation. Preliminary studies in the province show that cases referred to mediation result in decisions about children being made more quickly than if cases proceeded to court.

The 2002/03 results were achieved in a pilot project. The 2003/04 results seem to indicate that positive results from the pilot can be replicated within a program context. Consequently, this measure gains significance as an indicator of progress achieved in support of ministry goal 1 and the objective for this business area.

The ministry has used the actual results in key planning and reporting documents. The results also inform dispute resolution design and project development, and, in particular, the Child Protection Mediation Program, where these results confirm and validate program elements.

The ministry is not aware of any benchmarks or comparative data from similar services in other jurisdictions.

4	Key Performance Measure	2002/03 Actual	2003/04 Target	2003/04 Actual
	Number of qualified mediators on the B.C. Mediation Roster	193	190	204 ▶Target Surpassed

Variance Implications:
The B.C. Mediator Roster is becoming the source to which people look for information on mediation practitioners in British Columbia. The advantages of being included on the roster may explain why the target was surpassed.

The Justice Services Branch does not have control over the number of mediators admitted to the B.C. Mediator Roster. The roster is maintained by an independent body, the B.C. Mediator Roster Society, to which the Justice Services Branch provides funding.

The 2003/04 target was based on the most current information available at the time. The observed variance will be a factor in setting future targets.

Data Considerations:
The data are provided to the ministry by the B.C. Mediator Roster Society, based on its records. The data are also made public and can be requested at any time from the Society. The actual results show the number of qualified mediators listed on the roster at March 31 of each fiscal year.

The fourth key measure for this business area not only provides the number of qualified mediators offering services, it also indicates the value that mediators place on being members of the B.C. Mediator Roster. An increasing pool of experienced mediators to which judges, lawyers and the public can access with confidence supports the use of mediation as an important out-of-court dispute resolution option within the civil/family justice system. As more mediators become available to perform services, Justice Services is better positioned to develop and implement additional civil mediation initiatives.

The target was originally selected as a realistic projection of growth, based on available information. The results may well influence selection of future targets.

The B.C. Mediator Roster was established in 1998. Since that time, the number of mediators on the roster has steadily grown from an initial number of 64 in 1999, to 108 by 2001, increasing to 204 in 2003/04. Benchmarks from other jurisdictions are not applicable as the B.C. Roster has very different characteristics compared to other rosters.

5	Key Performance Measure	2002/03 Actual	2003/04 Target	2003/04 Actual
	Rate of child support payments received through enforcement	79 cents on each dollar due	80 cents on each dollar due	80 cents on each dollar due ▶ **Target Met**

Data Considerations:
This measure is calculated by comparing the amount of maintenance (child and spousal support) paid against the amount of maintenance due in that fiscal year. The data are taken directly from the Family Maintenance Enforcement Program application process, which automatically tracks payments against amounts due. Accuracy and reliability are enhanced since the data are automatically generated and are not subject to interpretation.

In support of the objective for this business area, this measure informs program effectiveness. As an outcome measure, it has significant implications for program recipients: it can show the proportion of the child and spousal support payments due them that they actually receive. Such information can be used in evaluating the Family Maintenance Enforcement Program and in identifying the need to make adjustments to enforcement and payment recovery efforts.

This measure has been in use for twelve fiscal years in British Columbia. During that time the payment rate has increased from 61 cents on each dollar due in 1992/93 to a high of 80 cents for 2003/04.

The models used in other provinces for collecting child support payments are not entirely comparable with the model used in British Columbia due to differences in operational design. However, a gross comparison against unconfirmed rates for two other provinces shows that the British Columbia payment rate is on the high side for large jurisdictions. Saskatchewan has a rate of around 85 cents for every dollar due, and Ontario has a rate of around 70 cents.

Executive and Support Services

Ministry Goals Supported by Business Area	Key Objective and Strategies
Goal 1: Laws and justice services are administered fairly, equitably and efficiently to all British Columbians, while individual rights and judicial independence are protected. Goal 2: Citizens and communities of British Columbia receive protection from crime and its social and economic consequences.	**Move justice reform initiatives forward by ensuring timely management and delivery of key ministry components for each initiative.** • Assist in setting up a Citizens' Assembly. • Manage the Administrative Justice Project and implement reforms. • Implement legislation to reform the *Election Act*. • Develop and enact private law reforms. • Promote understanding of the *Human Rights Code* by developing and managing a public education program.

The objective for this core business area supports ministry goals 1 and 2. Justice reform initiatives are intended to improve the justice system and eventually lead to better services for the citizens of British Columbia. Government and corporate commitments are more likely to be achieved in accordance with expectations if they receive timely and adequate administrative support during development and implementation. Careful administrative management during these initial phases helps to ensure that priorities are carried forward on schedule and that they adhere to specifications.

The five strategies describe how several key government and corporate commitments will be supported. Initiatives can vary widely in terms of the kind of support they require. Consequently, the measures for selected key initiatives tend to be project-specific and short-term, and focus largely on expected milestones that have been reached.

1	Key Performance Measure	2002/03 Actual	2003/04 Target	2003/04 Actual
	Citizens' Assembly set up	Project analysis completed. Terms of reference set.	Further supportive role for ministry to be defined	Support role defined. Office space and furnishings secured. Membership confirmation processes completed. All support mechanisms in place. ▶**Target Met**

2	Key Performance Measure	2002/03 Actual	2003/04 Target	2003/04 Actual
	Administrative Justice Project results implemented	Analysis complete and implementation begun	Implementation continued	Implemented Treasury Board directives on remuneration for tribunal appointees. Implementation under way for Memoranda of Understandings between administrative tribunals and host ministries. ▶**Target Met**

3	Key Performance Measure	2002/03 Actual	2003/04 Target	2003/04 Actual
	Human rights education program implemented	Program Plan completed	Priority education and training material developed	B.C. Human Rights Coalition funded by ministry to deliver human rights education. Thirty-eight sessions delivered to 466 participants. ▶**Target Surpassed**

Treaty Negotiations Office

Ministry Goals Supported by Business Area	Key Objectives and Strategies
Goal 4: The treaty process achieves agreements, and the economic climate is enhanced through effective negotiations.	**Negotiate agreements that create certainty and enhance economic opportunity in British Columbia.** • Focus resources on key opportunities in order to reach agreements with Canada and First Nations. **Support government's major economic priorities.** • Engage First Nations in economic opportunities (oil and gas exploration and development, 2010 Olympics, forestry, Central Coast initiatives, aquaculture). • Facilitate partnerships between First Nations, business and local government.

The first key objective and strategy relate directly to the ministry goal of achieving agreements through the treaty process in order to enhance the economic climate. The second objective and strategies, which also necessitate agreements, represent efforts to partner with First Nations on economic opportunities as another approach to achieving the ministry goal.

The key measures used to track progress and measure success for the key objectives focus on numbers and types of agreements reached and how well represented the referendum principles are in all of the completed agreements.

1	Key Performance Measure	2002/03 Actual	2003/04 Target	2003/04 Actual
	Number of significant treaty-related agreements *(approved and signed)*	3	4-6	9 **▶Target Surpassed**
Variance Implications: The number of significant agreements reached in fiscal 2003/04 is nearly double the target for that year, and indicates that the strategy of focusing resources on those opportunities most likely to reach successful negotiations has been effective. Information on the specific agreements reached in 2003/04 appears at the beginning of this report in Year-at-a-Glance Highlights.				
Data Considerations: A count of signed agreements is kept on a database maintained by the Treaty Negotiations Office. Duplicate information is kept by the federal government and by individual First Nations.				

Signed treaty-related agreements indicate significant progress toward final treaties. Every stage reached in the negotiations process is another step closer to certainty over land and resource issues. This first measure tracks the number of approved and signed agreements that advance the negotiation process toward a final treaty.

Of the nine agreements reached, four were Agreements-in-Principle (AIPs) and were the first such agreements to be approved under this government. Only one other completed AIP has been signed since the British Columbia Treaty Commission negotiation process began in 1993.

These results are used by the Treaty Negotiations Office to benchmark their progress and to employ resources strategically.

2	Key Performance Measure	2002/03 Actual	2003/04 Target	2003/04 Actual
	Number of significant agreements focusing on economic priorities *(begun, completed, or in progress in a fiscal year)*	18	10-15	34 **▶Target Surpassed**
Variance Implications: The 2003/04 target met a projection for stable, consistent growth in the second year of the Economic Measures Program, but the actual growth was twice that projected. This achievement indicates that the strategy of partnering with First Nations on economic opportunities has been effective.				
Data Considerations: The Treaty Negotiations Office tracks government-funded projects and initiatives that engage First Nations in economic opportunities. Since the Economic Measures Program began in 2002/03, historical data are only available for that year. The actual for 2003/04 was calculated to reflect projects that were either completed or begun in 2003/04 (15 projects), as well as ongoing projects that received additional funding in 2003/04 (19 projects). Data are kept on a database maintained by the Treaty Negotiations Office.				

Supporting government's major economic priorities is the Treaty Negotiations Office's second key objective. Support often consists of funding projects and economic opportunities such as:

- partnerships between aboriginal communities and industry or local government;
- increased First Nations access to resource tenures;
- measures to address specific land and resource issues, including strategic land-use planning; and
- measures to increase First Nations capacity for participating in the economy.

The measure above tracks progress made in all of the types of projects and initiatives that are administered through the Economic Measures Program. The program began in 2002/03 and will end in March 2005.

3	Key Performance Measure	2002/03 Actual	2003/04 Target	2003/04 Actual
	(Degree to which) Negotiated agreements reflect referendum principles	100%	100%	100% ▶**Target Met**
Data Considerations: Agreements-in-Principle and other agreements are negotiated using publicly-endorsed principles. Negotiators are held to account for their adherence to the principles. Adherence is monitored as negotiations are being conducted.				

The third measure above is important in understanding how the Treaty Negotiations Office conducts their core business following the 2002 Referendum on Treaty Principles.[16] The Referendum was held to provide a mandate on principles to guide the province's negotiators. The principles themselves were designed to revive and reinvigorate the treaty process.

Public support for the principles ensures that provincial negotiators have the authority to negotiate and make commitments on topics that are consistent with the referendum principles. However the process recognizes that in any negotiation some compromise is inevitable and outcomes are not guaranteed. Use of the principles assists in clarifying aboriginal rights and title in order to establish greater legal certainty on land and resource issues.

The Treaty Negotiations Office uses this measure to monitor their success in applying the principles.

[16] The following principles guided the provincial government's treaty negotiations in 2003/04.

- Private property should not be expropriated for treaty settlements.
- The terms and conditions of leases and licences should be respected; fair compensation for unavoidable disruption of commercial interests should be ensured.
- Hunting, fishing and recreational opportunities on Crown lands should be ensured for all British Columbians.
- Parks and protected areas should be maintained for the use and benefit of all British Columbians.
- Provincewide standards of resource management and environmental protection should continue to apply.
- Aboriginal self-government should have the characteristics of local government, with powers delegated from Canada and British Columbia.
- Treaties should include mechanisms for harmonizing land-use planning between aboriginal governments and neighbouring local governments.
- The existing tax exemptions for aboriginal people should be phased out.

Deregulation

The Ministry of Attorney General recognizes the significance of continuing the government's commitment to reduce the regulatory burden. The ministry is lean with regard to regulatory requirements in comparison to the number of statutory provisions it administers. The ministry continued to be mindful of government's commitment to deregulation as new legislation and regulations were being developed throughout 2003/04.

Report on Resources

Introduction

The table below shows resource utilization for the ministry during 2003/04. In addition to the core business areas for which performance information is also provided in this report, there are several other accounts included in the table where performance information is not relevant, or where separate organizations that are funded wholly or partially by the ministry traditionally prepare their own annual reports and service plans.

The following items have been included to make the Resource Summary consistent with the Public Accounts, but they are not covered in detail in this annual report.

- The independent judiciary, which functions at arm's length from government, has a separate vote. Court Services is the ministry's core business area responsible for providing administrative and operational support to the judiciary.
- The *Crown Proceeding Act* vote provides for payments to be made pursuant to the Act, as a result of judgments against the government or of settlements reached in litigation.
- The B.C. Utilities Commission is funded through the ministry, but operates independently and produces its own separate service plan and annual report.[17]
- A special account partially funds the Public Guardian and Trustee of British Columbia. This independent organization also prepares a separate service plan and annual report.[18]

[17] To view an annual report for this organization, visit http://www.bcuc.com

[18] To view an annual report for this organization, visit http://www.trustee.bc.ca

Resource Summary by Core Business Areas

Core Business Areas	Estimated	Other Authorizations	Total Estimated	Actual	Variance
Operating Expenses ($000)					
Court Services	135,297	2,188	137,485	138,493	(1,008)[1]
Legal Services	15,505	—	15,505	17,244	(1,739)[2]
Prosecution Services	77,839	2,951	80,790	79,997	793
Justice Services	91,232	5,491	96,723	95,335	1,388[3]
Executive and Support Services	60,117	3,649	63,766	63,200	566
Treaty Negotiations Office	34,665	—	34,665	29,582	5,083[4]
Judiciary	51,636	—	51,636	50,849	787
Crown Proceeding Act	28,700	5,591	34,291	34,291	0
B.C. Utilities Commission	—	1	1	(8)	9[5]
Public Guardian and Trustee of B.C. (Special Account)	10,854	—	10,854	10,826	28
Total	**505,845**	**19,871**	**525,716**	**519,809**	**5,907**
Full-time Equivalents (FTEs)					
Court Services	1,301	—	1,301	1,292	9
Legal Services	291	—	291	331	(40)
Prosecution Services	735	—	735	737	(2)
Justice Services	165	—	165	148	17
Executive and Support Services	281	—	281	265	16
Treaty Negotiations Office	85	—	85	99	(14)
Judiciary	396	—	396	374	22
Crown Proceeding Act	0	—	0	0	0
B.C. Utilities Commission	0	22	22	22	0
Public Guardian and Trustee of B.C. (Special Account)	210	—	210	213	(3)
Total	**3,464**	**22**	**3,486**	**3,481**	**5**

[1] Variance primarily due to unfunded salary rate increases and Voluntary Departure Program (VDP) and Early Retirement Incentive Program (ERIP) vacation payouts.

[2] Variance primarily due to aboriginal litigation expenditures, rebates to certain ministries for services that were not required or delivered under the service level agreements, and employee compensation cost of living increases.

[3] Variance primarily due to salary and benefits savings related to various staffing strategies and one-time savings on transfers under agreement as well as maximizing federal/provincial cost-sharing agreement expenditures.

[4] Variance primarily due to lower operating costs and projects and initiatives not proceeding; payments not required to the McLeod Lake Indian Band; and lower economic measures expenditures due to delays in program implementation.

[5] The B.C. Utilities Commission was transferred to the Ministry of Attorney General from the Ministry of Energy and Mines (Vote 22) during 2003/04.

Core Business Areas	Estimated	Other Authorizations	Total Estimated	Actual	Variance
Ministry Capital Expenditures (CRF) ($000)					
Court Services	3,999	—	3,999	2,887	1,112[6]
Legal Services	23	—	23	92	(69)
Prosecution Services	1,990	—	1,990	175	1,815[7]
Justice Services	360	—	360	56	304
Executive and Support Services	1,978	—	1,978	863	1,115[8]
Treaty Negotiations Office	0	—	0	0	0
Judiciary	581	—	581	528	53
Crown Proceeding Act	0	—	0	0	0
B.C. Utilities Commission	0	210	210	0	210
Public Guardian and Trustee of B.C. (Special Account)	889	—	889	834	55
Total	**9,820**	**210**	**10,030**	**5,435**	**4,595**
Consolidated Capital Plan Expenditures (CCP) ($000)					
Court Services	3,580	—	3,580	0	3,580[9]
Total	**3,580**	—	**3,580**	**0**	**3,580**
Other Financing Transactions ($000)					
Executive and Support Services					
Receipts	670	69	739	739	0
Disbursements	670	69	739	739	0
Net Cash Source (Requirements)	0	—	0	0	0
Treaty Negotiations					
Receipts	—	—	—	—	—
Disbursements	17,589	—	17,589	9,361	8,228[10]
Net Cash Source (Requirements)	(17,589)	—	(17,589)	(9,361)	8,228
Total Receipts	**670**	**69**	**739**	**739**	**0**
Total Disbursements	**18,259**	**69**	**18,328**	**10,100**	**8,228**
Total Net Cash Source (Requirements)	**(17,589)**	—	**(17,589)**	**(9,361)**	**8,228**

[6] Variance primarily due to deferral of Salmon Arm Courthouse replacement because of project scheduling delays.

[7] Variance primarily due to timing of the Litigation Management systems project.

[8] Variance primarily due to savings in information systems projects and no tenant improvement requirements for facility projects.

[9] Variance primarily due to deferral of Surrey Courthouse expansion to fiscal 2006/07 when operating funds to support the project will be available.

[10] Variance primarily due to less land being purchased than was anticipated.

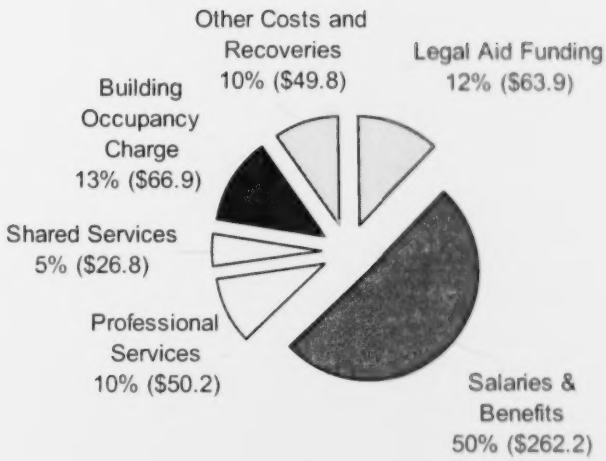
The preceding summary presented ministry expenditures for 2003/04 arranged by core business area.

The following diagram shows expenditures for 2003/04 by actual expense categories.

Expenditures for 2003/04

Total - $519.8

(millions)


Other Costs and Recoveries 10% ($49.8)
Legal Aid Funding 12% ($63.9)
Building Occupancy Charge 13% ($66.9)
Shared Services 5% ($26.8)
Professional Services 10% ($50.2)
Salaries & Benefits 50% ($262.2)

Notes:

1. Building Occupancy Charge: Cost of space occupied by the ministry, including courthouses, throughout the province.
2. Shared Services: Costs of services provided by the B.C. Shared Services Agency within the Ministry of Management Services.
3. Other Costs and Recoveries: All remaining costs such as: asset depreciation; transfers to external parties, excluding Legal Aid funding; minus payments received from the federal government and other parties external to the ministry for various program costs.

Appendix A: Additional Performance Measures and Results

Appendix A contains supplementary performance measures from the 2003/04 Service Plan. These measures were not considered key measures since they did not focus on the most critical aspects of performance. They support and complement the key measures and represent a combination of inputs, throughputs, outputs, other operational processes, and workloads.

The supplementary measures are arranged by core business areas and are accompanied by explanatory text, but not at the same level of detail as has been done in the main body of this report for the key measures.

Court Services

Objective for supplementary measures 1-3:	**Support operation of three levels of court in processing cases in a timely, efficient manner.**		
Supplementary Performance Measure 1:	**2002/03 Actual**	**2003/04 Projection**	**2003/04 Actual**
Number of hours for criminal sittings at all levels of court	105,835	104,900	101,454 ▶ **Projected Decline Confirmed**

Context:
The number of sitting hours for criminal courts is generally accepted as a measure of court activity. This number is projected and then verified at year end. The number of sitting hours relates to supporting the operation of three levels of court and processing cases in a timely and efficient manner. The measure informs the objective for this business area and ministry goal 1.

Number of hours for criminal sittings may have declined due to the temporarily reduced number of available Provincial Court judges. The sitting resource capacity declined for several reasons including: retirements, illness and part-time status. As well, a reduction in Supreme Court criminal sittings contributed to reduced sitting hours for all criminal courts.

The data source for this measure is JUSTIN, a highly reliable, integrated case-tracking system used throughout the province. The data are a by-product of operational case processing performed daily at every courthouse. Actual results are compiled by electronic extraction from an operational database.

Supplementary Performance Measure 2:	**2002/03 Actual**	**2003/04 Projection**	**2003/04 Actual**
Number of hours for civil and family sittings at all levels of court	75,108	72,500	73,337 **▶Projected Decline Confirmed**

Context:
Sitting hours are generally accepted as a measure of court activity. This number is projected and then verified at year end. Reasonably consistent numbers of hours for civil and family sittings indicate a continuation of similar levels of accessibility. The measure informs both the objective for this business area and ministry goal 1.

The 2003/04 projection predicted a small decline in the number of hours for civil and family sittings at all levels of court.

For civil cases, data are manually extracted at each court location. Times are reported on court lists and compiled onto statistical summaries at each location. Data from individual locations are entered into a provincial database.

Manual data are susceptible to error, and periodic reviews must be conducted to verify data consistency. Commencing in 2004/05, an integrated case-tracking system for civil cases will eliminate manual data extraction.

Supplementary Performance Measure 3:	**2002/03 Actual**	**2003/04 Projection**	**2003/04 Actual**
Number of criminal cases concluded at all levels of court	125,545	124,000	109,295 **▶Projected Decline Greater than Estimated**

Context:
The number of criminal cases concluded is a high-level measure of court activity and output. This measure informs ministry goals 1 and 2 and the business area objective. Actual volume of criminal cases concluded can vary year to year as a result of the number and type of cases and the amount of judicial time assigned among criminal, family or other civil matters.

Several factors contributed to fewer criminal cases entering court in 2003/04. Provincial Court youth cases are significantly down in number. Reforms implemented within the new federal *Youth Criminal Justice Act* may be a factor. Adult criminal cases also continued to decrease in both Supreme and Provincial Courts. Supreme Court adult criminal volumes decreased by 50 per cent because applications for extensions of time to dispute Violation Tickets are no longer heard in Supreme Court. These applications are now in the form of affidavit information that is considered by Provincial Court Judicial Justices of the Peace.

The number of criminal cases concluded has been used in conjunction with two other measures — new criminal cases and age of pending cases — to assess whether backlog and case delay is increasing or decreasing.

The data source for this measure is JUSTIN, a highly reliable, integrated case-tracking system used throughout the province. The data are a by-product of operational case processing performed daily at every courthouse. Actual results are compiled by electronic extraction from an operational database.

Legal Services

Objective for supplementary measure 1:	**Reduce the province's exposure to civil liability, and control liability costs to government.**		
Supplementary Performance Measure 1:	**2002/03 Actual**	**2003/04 Target**	**2003/04 Actual**
Number of government ministries and agencies participating in legal risk management program	Not available	Baseline data to be established	Project delayed due to other priorities **▶Target Delayed**

Context:
Although the project was delayed during 2003/04, discussions with the Ministry of Finance did continue regarding risk pooling initiatives that could be integrated with the project. The initiative and this measure are still significant, and work will resume in fiscal 2004/05. Legal risk management is an important component of the objective to control liability costs to government.

Objective for supplementary measure 2:	**Deliver legal services that meet clients' changing needs at competitive rates.**		
Supplementary Performance Measure 2:	**2002/03 Actual**	**2003/04 Target**	**2003/04 Actual**
Blended average hourly cost of internal and external services	$110 per hour	To be developed	$118

Context:
This measure quantifies the cost of delivering civil legal services to government and helps define the cost-effectiveness of the delivery model. It is a tracking mechanism and is used to assess overall service delivery performance and assist in calculating cost-recovery estimates. Along with other analyses, it can also be used in establishing future targets.

The data are compiled through financial reports and the Legal Files System reports on hours. The latter is a time-tracking system. Data from both sources are reviewed monthly for accuracy and reliability, and the average hourly cost is calculated annually.

Prosecution Services

Objective for supplementary proxy measure 1:	**Timely conduct of prosecutions**		
Supplementary Proxy Performance Measure 1:	**2002/03 Actual**	**2003/04 Target**	**2003/04 Actual**
Median time to disposition from receipt of the Report to Crown counsel (RCC)	Not calculated	135 days	135 days ▶**Target Met**
Context: This measure is similar to Prosecution Services' other proxy measures on median time to disposition, but it has an earlier starting point. This measure tracks time to disposition from the point at which Crown counsel receive an initial report from police.			

Justice Services

Objective for supplementary measures 1-4:	**Encourage greater public use of out-of-court dispute resolution options within the civil/family justice system.**		
Supplementary Performance Measure 1:	**2002/03 Actual**	**2003/04 Target**	**2003/04 Actual**
Number of locations offering mandatory referral to family justice counsellors	6	3 Reduction in number of locations was in response to a cost/benefit analysis	3 ▶**Target Met**

Context:
This process was evaluated and found to be successful in diverting cases from the courts. The measure indicates the number of sites in the province where this program is offered.

This program is provided with federal funding assistance, but in 2003, it was not clear whether that funding would continue. By reducing the number of locations, the ministry was able to sustain a highly effective process and continue diverting cases from court. The ministry continues to monitor the program to ensure it is delivered effectively and efficiently.

The number of sites with mandatory referral to family justice counsellors is articulated in the *Provincial Court (Family) Rules*.

Supplementary Performance Measure 2:	**2002/03 Actual**	**2003/04 Target**	**2003/04 Actual**
Number of court registries offering the Court Mediation Program (CMP) option	4	5	5 **▶Target Met**

Context:
This measure shows that this out-of-court dispute resolution process was made available at an additional registry (Victoria) in 2003/04. Greater availability encourages greater use of mediation services (objective for this business area).

Supplementary Performance Measure 3:	**2002/03 Actual**	**2003/04 Target**	**2003/04 Actual**
Mean rate of satisfaction with Facilitated Planning Meeting (FPM) process (1 = very dissatisfied; 7 = very satisfied)	Not available	≥6.2	Information not collected in 2003/04 **▶Pilot Discontinued**

Context:
This measure was associated with a pilot project. The ministry is no longer collecting this information.

Supplementary Performance Measure 4:	**2002/03 Actual**	**2003/04 Target**	**2003/04 Actual**
Cost of collecting family maintenance per dollar received	$.10	$.12	$.10 **▶Target Surpassed**

Context:
This efficiency measure shows how much the ministry spends to collect each dollar of family maintenance payments. The measure has been used for 12 fiscal years, and results have ranged from a high of $.18 in 92/93 to the current low of $.10. The measure is used to determine effectiveness and efficiency. It also serves as a base from which to calculate annual funding for the program.

The measure is obtained by comparing the total maintenance paid through the program against the total contracted expenses of administering the program. Data are provided through application-generated data and funding allocations.

Executive and Support Services

Objective for supplementary measures 1, 2:	**Move justice reform initiatives forward by ensuring timely management and delivery of key ministry components for each initiative.**		
Supplementary Performance Measure 1:	**2002/03 Actual**	**2003/04 Target**	**2003/04 Actual**
Election Act reforms enacted	*Election Statutes Amendment Act* in force October 2002	Legislation drafted	Miscellaneous amendments drafted and introduced ▶**Target Met**

Context:
Bill 66 introduced an amendment to the *Election Act* that would remove the prohibition on prisoners serving sentences longer than two years from voting in provincial elections.

Bill 99 introduced an amendment to the *Election Act* that would remove the requirement to conduct a general enumeration in 2004, a full year before the general election in May 2005. The last general enumeration, conducted in 1999, cost $4 million and added only 28,690 names to the voters list.

Supplementary Performance Measure 2:	**2002/03 Actual**	**2003/04 Target**	**2003/04 Actual**
Private law reforms developed and enacted	Framework for reinvigorating the process was completed	Legislative amendments introduced	Royal assent given for two acts ▶**Target Met**

Context:
The *Court Jurisdiction and Proceedings Transfer Act* revises and clarifies the rules judges use to decide if they have jurisdiction in matters before them. It also gives superior courts the means for transferring litigation to a more appropriate forum inside or outside of Canada.

The *Enforcement of Canadian Judgments and Decrees Act* makes it easier to enforce decisions of Canadian courts outside British Columbia by allowing those orders to be registered in the Supreme Court of British Columbia.

Treaty Negotiations Office

Supplementary Performance Measure 1:	2002/03 Actual	2003/04 Target	2003/04 Actual
Number of consultation meetings held with local governments and stakeholders on key issues	95	50	100 **▶Target Surpassed**

Objective: Build public support for negotiations and agreements by strengthening linkages among communities, providing information and raising awareness.

Context:
As part of a government program to reinvigorate, and build public support for, the treaty process, British Columbia began a new course of strategic consultations and meetings. This included focusing resources on meetings in communities where agreements seemed possible. The 2003/04 actual indicates a greater demand for consultation which was driven by the unprecedented progress made at treaty tables during that year.

Data source is meeting records and can be cross-referenced with records from other agencies such as municipalities and stakeholder organizations.

Supplementary Performance Measure 2:	2002/03 Actual	2003/04 Target	2003/04 Actual
Percentage of Treaty Negotiations Office obligations arising from agreements that meet established timelines	New Measure; Not Applicable	100%	100% **▶Target Met**

Objective: Implement obligations arising from treaty settlements and other negotiated agreements.

Context:
This measure informs the implementation function in the Treaty Negotiations Office. Once agreements are negotiated, the office is responsible for ensuring that 1) obligations arising from treaty settlements and other agreements are met within established timelines and 2) line agencies are supported in meeting their obligations.

The measure demonstrates achievement in the implementation of treaties, and particularly for the Nisga'a Final Agreement Adjustment Project.

Supplementary Performance Measure 3:	2002/03 Actual	2003/04 Target (Projection)	2003/04 Actual
Incidence of rights or title litigation	12	110% of base data	720% of base data, or 86 **▶Target Affected by Court Decision**

Objective: Support government's major economic priorities.
To help achieve this objective, the Treaty Negotiations Office implements proactive strategies to address First Nations disputes.

Context:
In 2003 there was an unusually high number of Protective Writs filed by First Nations, based on the assumption that certain provincial statutory limitation periods would expire within six years of the Supreme Court of Canada decision in *Delgamuukw v. British Columbia*. Therefore many First Nations believed that they needed to file a writ by December 10, 2003, in order to protect themselves from a defence by the Crown that limitation periods had expired. The province has been served 12 of these Protective Writs and is aware of another 66 unserved writs. If Protective Writs are excluded from the calculations, the incidence of rights or title litigation would be 10, or about 85 per cent of the base data.

The projection of 110 per cent of base data is still valid and can reasonably be expected to normalize in subsequent years. A drop in the actual result could indicate success in implementing proactive strategies to address First Nations disputes.

Supplementary Performance Measure 4:	**2002/03 Actual**	**2003/04 Target (Projection)**	**2003/04 Actual**
Incidence of direct action/blockades	17	100% of base data	55% of base data, or 9 **▶Target/ Projection Surpassed**

Objective: Support government's major economic priorities.
To help achieve this objective, the Treaty Negotiations Office implements proactive strategies to address First Nations disputes.

Context:
The variance (45 per cent less than the estimate for 2003/04) represents a substantial decrease in the incidence of direct action/blockades. The cause of this variance is not known at present, but the incidence has been in decline for the past two years. The actual number of blockades in 2001/02 was 38 and subsequent years yielded annual declines of 40 per cent or more. The decrease could be due to the Treaty Negotiations Office's strategy of implementing proactive strategies to address First Nations disputes, but this cannot be confirmed.

The 2003/04 target (projection) was considered realistic in light of the pace of change following the 2002 Referendum on Treaty Principles. The ministry will use these actual results to evaluate future targets (projections) for this measure.

Supplementary Performance Measure 5:	2002/03 Actual	2003/04 Target (Projection)	2003/04 Actual
Number of First Nations citizens engaged in training opportunities	Not available	Not available	▶ **Measure Dropped**

Context:
This measure is no longer in use due to unavailable data. As a related measure, the office has provided a grant to the Institute of Public Administration of Canada (IPAC) and is partnering with B.C. Statistics to have IPAC develop a database of First Nations' labour force participation in British Columbia. This work will be done during 2004/05 in cooperation with Statistics Canada. It will include background tables and performance indicators for the labour market. Results are expected to be available in 2005/06.

Appendix B: Former Goals, Objectives, Strategies and Measures No Longer Employed by Prosecution Services

Following the publication of the 2003/04 Service Plan, a significant review of Prosecution Services' goals (shared ministry goals), objectives, strategies and performance measures took place. A special committee, set up within the Criminal Justice Branch, guided this effort. All modifications were intended to improve service planning and performance reporting and enable greater accountability. The work has resulted in a new, more relevant single goal and new objectives, strategies and measures.

The special committee rephrased the goal to reflect more accurately the responsibilities of Prosecution Services in relation to the mandate outlined in the *Crown Counsel Act*. Since objectives, strategies and performance measures flow logically from goals, the supporting objectives and strategies were changed to align with the restated goal. In this same chain of events, the performance measures were also changed to coincide with the new goal and objectives.

Below are the new and former goals with their related objectives, strategies and performance measures. In addition, the table shows why the measures that are no longer in use were inappropriate.

New Goals from the 2004/05 Service Plan (Currently employed by Prosecution Services) 2003/04 Service Plan (No longer employed by Prosecution Services)	Former Shared Ministry Goals from the 2003/04 Service Plan (No longer employed by Prosecution Services)
New Goal: Prosecution of all offences is timely, fair and effective.	**Former Shared Goal 1:** Laws and justice services are administered fairly, equitably and efficiently to all British Columbians, while individual rights and judicial independence are protected.

New Key Objective

1. Timely charge assessment where there is police process and no police process.

[Amendments were made to the JUSTIN database to ensure the measures would be available in fiscal year 2004/05. When valid and reliable baseline measures are available, targets for the succeeding fiscal years will be determined.]

New Performance Measure:	2002/03 Estimate	2003/04 Target
Elapsed time to conduct charge assessment where police have issued process and not issued process	Data not available	Data not available
Testing was conducted on the JUSTIN database in 2003/04 to determine if these measures were available and to assess the reliability and validity of the measures. Results were that the measures were not available for 2003/04.		

New Key Objective and Strategy

2. A fair and effective charge assessment process

Strategy for objectives 1 and 2:

- Conduct in a timely manner pre-charge screening following receipt of the investigative report (Report to Crown Counsel).

New Performance Measure:	2002/03 Estimate	2003/04 Target
Proportion of accused persons who were screened out of the court process by Crown counsel	17%	17% (Benchmark)
This measure is considered a proxy measure of the objective since it implies fairness and effectiveness by monitoring the percentage of accused who are screened out of the court process after undergoing rigorous and thorough charge assessment.		

Former Key Objective and Strategies

1. Process criminal cases in a timely and efficient manner in all three levels of court.

- Conduct charge assessments of allegations of criminal offences

Former Performance Measure:	2002/03 Estimate	2003/04 Target
Per cent of total accused persons approved to court for trial	87.0%	86.5%
This measure is within the span of control of Prosecution Services and one that is tracked on a regular basis for the internal management of the Criminal Justice Branch. For the new goals, a variant of this measure "Proportion of accused persons who were screened out of the court process by Crown counsel" will be used. The measure is considered a proxy measure of the new objective since it implies fairness and effectiveness by monitoring the percentage of accused who are screened out of the court process.		

- Increase appropriate referrals to alternative measures programs

Former Performance Measures:	2002/03 Estimate	2003/04 Target
Number of total accused persons referred to alternative measures programs by Crown counsel	6,313	6,400
Percentage of total accused persons referred to alternative measures programs	7.8%	8.3%
Data validation tests showed that these two measures and their targets were not within the span of control of Prosecution Services; therefore any reported achievement of this measure would not have been an accurate representation of the actual performance of Prosecution Services.		

- Use victim statements/information at sentencing where appropriate

Former Performance Measures:	2002/03 Estimate	2003/04 Target
Percentage of Victim Impact Statements received and used at sentencing	40%	45%
Percentage of total *Victims of Crime Act* victims who were contacted and given opportunity to provide a victim impact statement	93%	93%
This measure is within the span of control of Prosecution Services and one that is tracked on a regular basis for the internal management of the Criminal Justice Branch. However, this measure was not found to be the most significant or relevant performance measure in relation to the new goal, objectives and strategies.		

New Key Objective and Strategy

3. Timely conduct of prosecutions

- Contribute to the timeliness of prosecuting criminal matters by promptly providing disclosure documents and the initial sentencing position.

New Performance Measures:	2002/03 Estimate	2003/04 Target
Elapsed time to provide disclosure and initial sentencing position	Not available	Not available
TEMPORARY PROXY MEASURES in the absence of the measure above		
Median time to disposition from the date the first information was sworn		121 days
Median time to disposition from the date of the first court appearance		86 days
Until the elapsed time to provide disclosure and initial sentencing position becomes available, two other measures will be used as proxies (substitutes). The two temporary proxy measures represent a less direct way to monitor timely conduct of prosecutions. These proxy measures represent the cumulative actions of the many justice participants involved in a shared process and are not exclusively controlled by Prosecution Services.		

New Key Objective and Strategies

4. Fair and effective conduct of prosecutions

- Reduce unnecessary distress, cost and inconvenience to witnesses, victims and their families.
- Balance the interests of the accused, the witnesses, victims and the public.
- Monitor any developments in the available evidence, and ensure that, if the case no longer meets the charge assessment criteria, the Crown will stay the proceedings.
- Disclose new material to the accused when received by Crown counsel, including victim impact information; and ensure that Crown prosecutorial discretion is guided by policy and corresponding case law.

Former Shared Goal 2:

Citizens and communities of British Columbia receive protection from crime and its social and economic consequences.

Former Key Objective

2. Protect the community from high-risk and violent offenders by making dangerous offender, long-term offender and recognizance applications where appropriate

Former Performance Measure:	2002/03 Estimate	2003/04 Target
Number of dangerous offender applications made	18	18
Data validation tests showed that this measure is not within the span of control of Prosecution Services; therefore any reported achievement of this measure would not have been an accurate representation of the actual performance of Prosecution Services. This measure reflects intake; hence, it is not a true performance measure.		

The fourth objective for this business area — fair and effective conduct of prosecutions — requires a balanced consideration of the interests of the accused, the witnesses, the victims, the families and the public. Measuring fairness, however, is a challenge facing every justice system. Many jurisdictions, including British Columbia, are working to resolve the complexities of measuring this concept. Currently there are no benchmarks available from other jurisdictions.

Information on both fairness and effectiveness is not currently available in the ministry's JUSTIN database. The Criminal Justice Branch will continue to pursue avenues to acquire the measure by requesting changes to the JUSTIN database. When measures of fairness and effectiveness are developed, they will capture many routine functions that Crown counsel perform to ensure fair, effective prosecutions. A special ministry sub-committee on performance measures will address these issues in 2004/05.